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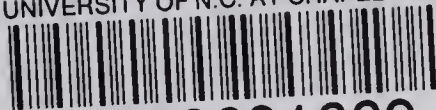
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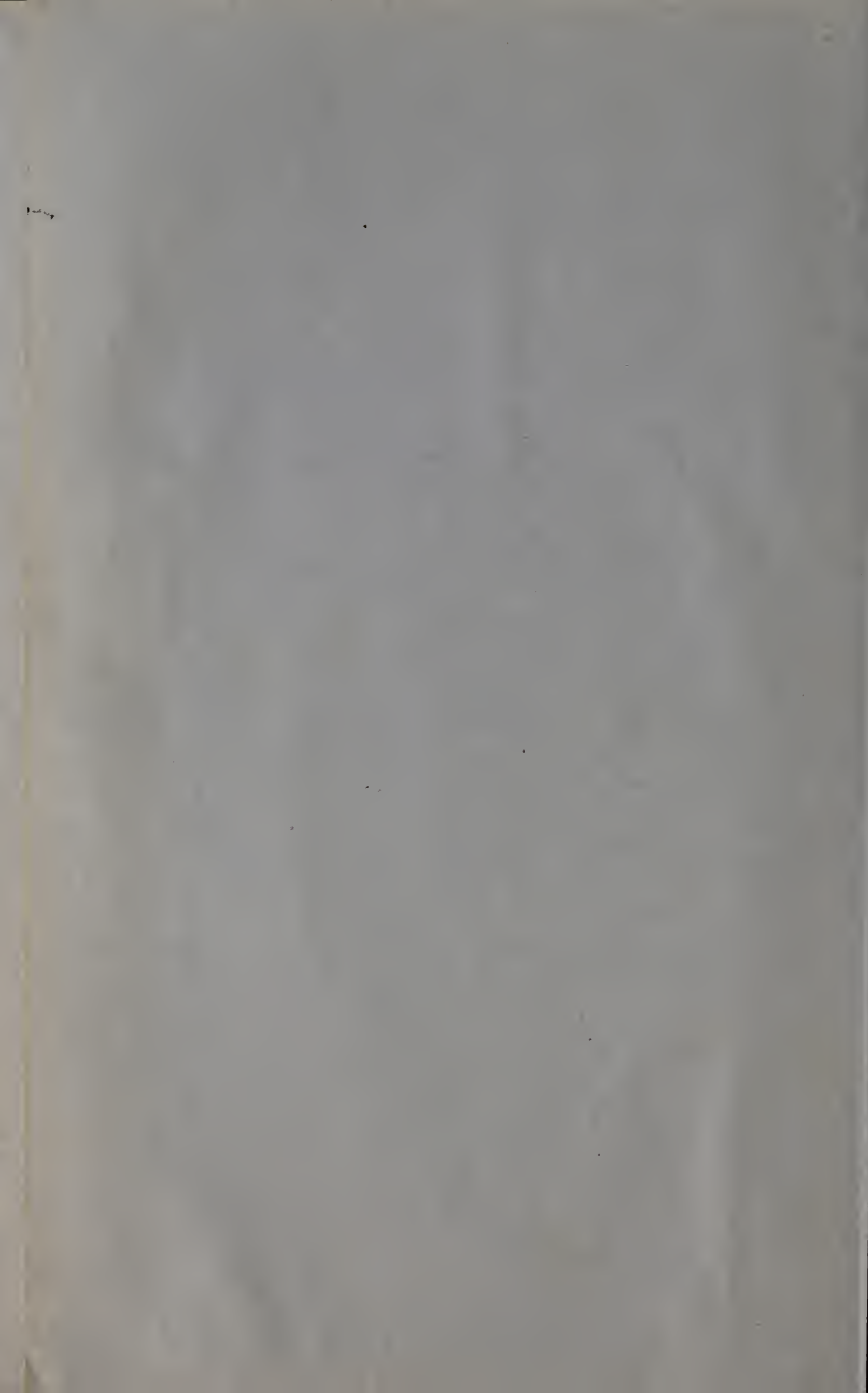
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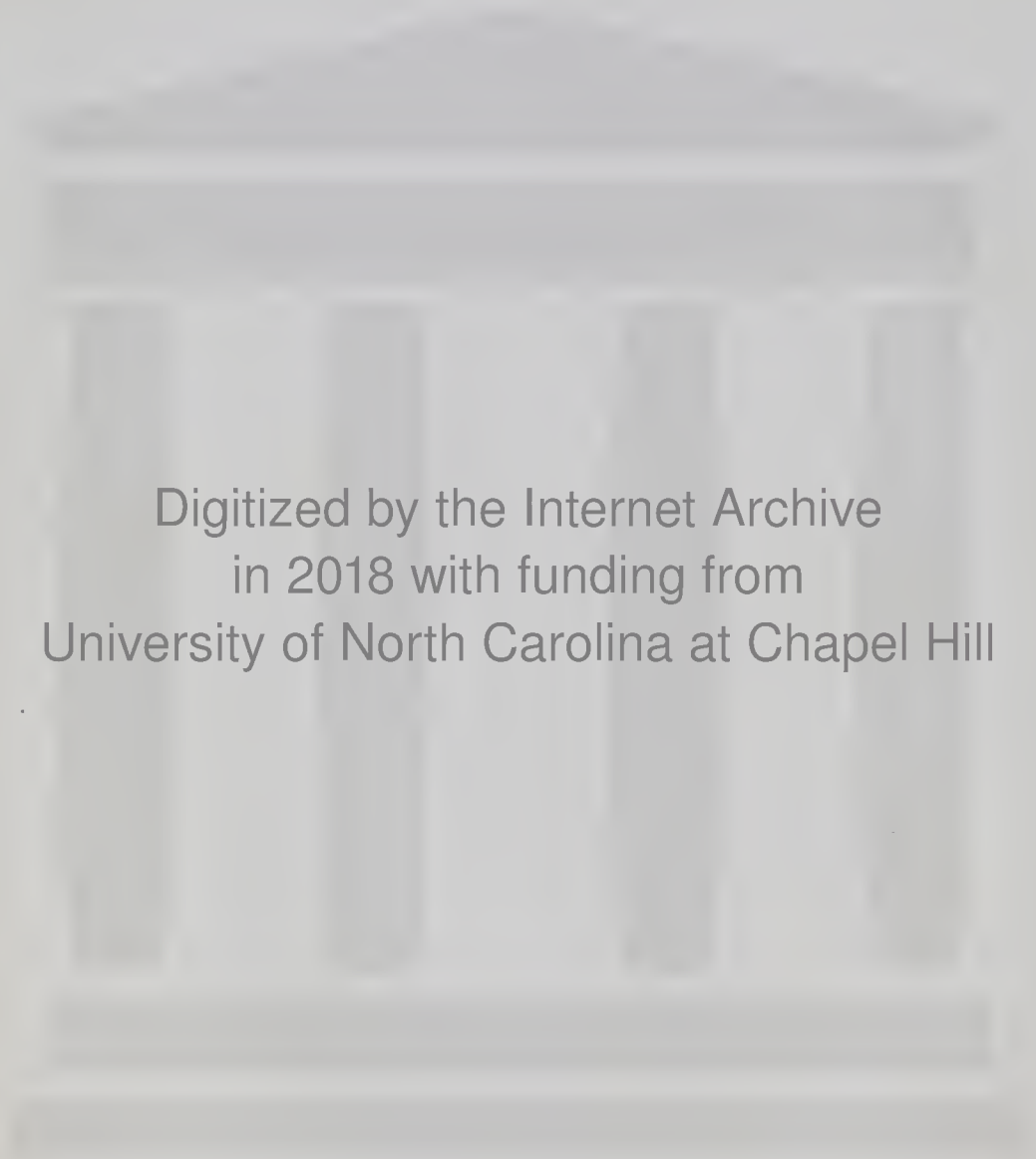


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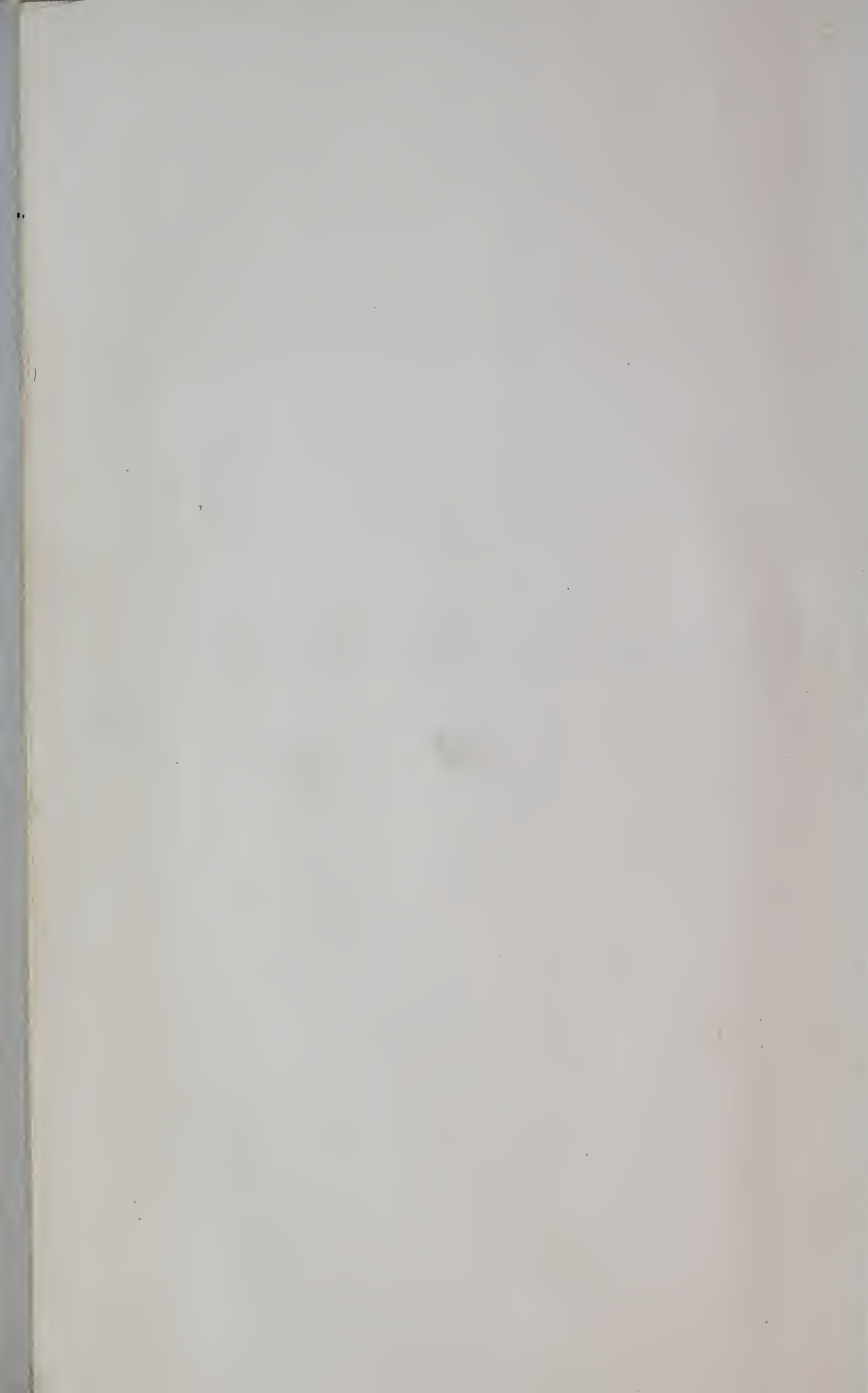
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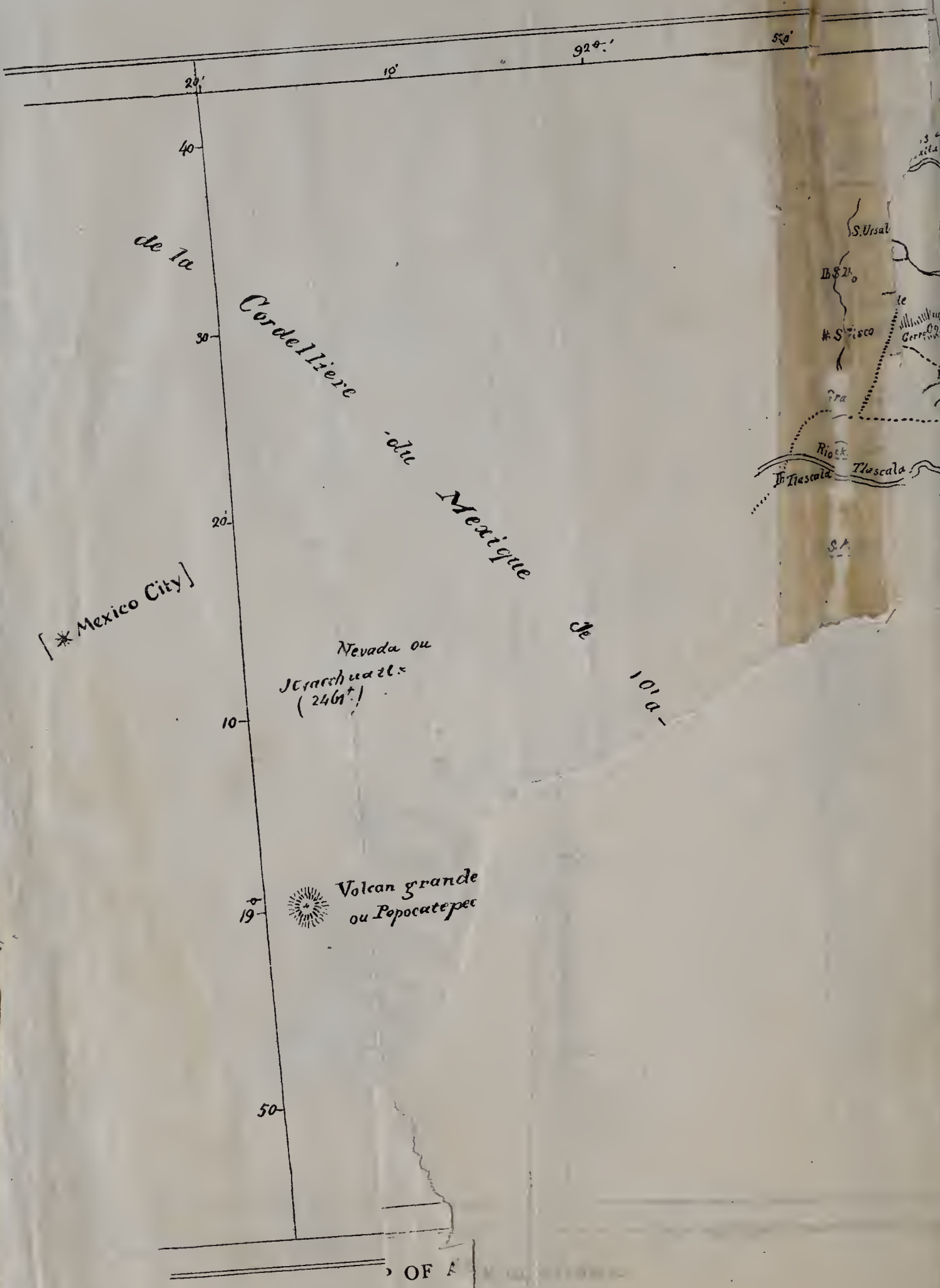
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AARON BURR'S MAP OF A SECTION OF MEXICO, EXTENDING FROM VERA CRUZ TO MEXICO CITY.



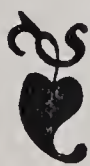
The Aaron Burr Conspiracy

*A History largely from original and
hitherto unused sources*

By

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Fellow in the Texas State Historical Association
Sometime Fellow in History in the
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TO

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Preface

FOR a century the conspiracy of Aaron Burr has been a puzzling theme. Apart from the distinguished figures that move across its stage, the nature of the enterprise from its very extravagance must always engage the attention of those who care to know something of the United States in its Heroic Age.

The conspiracy was of much wider and deeper origin than has been usually supposed, and the conditions which gave rise to it, as well as the events with which it was vitally connected, have received scant treatment from historians. Social and political upheavals are not growths of a night, but are the results of the workings of real and definite causes which are traceable in every case and susceptible of some degree of analysis. Burr's project is no exception to this general law. And happily we are now far enough removed from his time to see more clearly the perspective of events, and to measure with more certainty the motives and conduct of men.

In the discussion of the subject writers have in nearly every case failed to distinguish between the conspiracy and Aaron Burr—in other words, they have attempted


to explain it through the character of Burr himself, a procedure which is fundamentally erroneous. Burr's character was apparently never more seriously involved, and never reflected more disastrously upon the conspiracy, than in the correspondence of Merry and Yrujo—the ministers respectively of Great Britain and Spain—to whom he ostensibly disclosed his designs. If the revelations of the ministers could be accepted at their face value, treason was in Burr's mind, and the separation of the West from the Union was his plot, open and avowed. However, viewing the correspondence as a whole, in conjunction with other facts which cannot here be discussed, it appears certain that Burr's intrigue with Merry and Yrujo was but a consummate piece of imposture. In order to secure funds for the carrying out of his expedition against Mexico, Burr resorted to the expedient of playing on the hatred of the European powers for the American Republic. Could they be brought to contribute moneys to aid in the sundering of the States? Burr thought so, and to secure the sum he conceived to be necessary for his purposes he never scrupled at discoursing of treasons, although at the moment every step he was taking looked toward an invasion of the Spanish territories.

No weight can be placed upon Merry's and Yrujo's letters as concerns the nature of the conspiracy, except indeed in a negative sense; and I say this with all deference to Mr. Henry Adams and those who have laid so much stress on these manuscripts, maintaining that they

lay bare the heart of the conspiracy. The heart of the conspiracy, however, was far removed from any communication of Burr's. The conspiracy was an affection of society—Burr was but a member of that society, an agent. It follows that if the nature of the conspiracy is to be disclosed, it can only be through an examination into the state of that society whose social, political, and traditional affiliations gave rise to it. This is basic. That the ideas of Burr, whatever they may have been, necessarily betray the secret of the movement, cannot be successfully maintained. But that the prevailing impression of Burr's character lent weight to the imputation of treason cannot be doubted; nor more can it be doubted that the isolation of the West, together with the ignorance of the East concerning the pioneers who built their log cabins in the wilderness beyond the Alleghany Mountains, tended to distort extraordinarily the affair in the public mind. What were the ideas, then, prevailing in the Western country? Was there a contingent that plotted disunion? Was there a party that clamored loudly for war against whatever power insulted the Republic? Of the first there is no trace worth considering; of the latter there is evidence in abundance. The spirit of the Westerners is proclaimed in no uncertain voice, and if its tone could have been mistaken in 1806, there was no doubting its meaning in 1812, when, in spite of the opposition of New England, the Second War with Great Britain was forced. And yet this was done by the very men upon whom

Burr had counted, and the greatest leaders in that struggle had been his associates. If we look more closely we shall see, what has been but too timidly suggested, that it was the West and South that took up the burden of the Republic when it had well nigh wearied of the load.

As for the conspiracy, patriotism was but one of its elements. For him who reads the secret of the Anglo-Saxon character, there is epitomized in the movement the whole course of the race that threw down the bulwarks of Rome, that terrorized Europe in a Viking's fleet, that conquered the Western World, and that looks confidently forward to the time when the struggle for universal supremacy shall test its powers. Expansion—conquest—was the keynote of the conspiracy;—it is the keynote of the history of the race.

 This narrative of the conspiracy of Aaron Burr has been in large part written from original and hitherto unused sources of information. It must not be thought, however, that the work of scholars in this field has been ignored; on the contrary, I have made much use of it, but never intentionally without due credit either in text or notes. I have not found it expedient, however, to point out even the most glaring anachronisms in many of the secondary narratives which treat of the conspiracy; much less have I attempted to indicate divergences of opinion—and there are divergences as wide as misdemeanor is from treason.

In the endeavor to make this study exhaustive much

time has been expended in searching for new data. Brief mention must therefore be made of the various sources which have been consulted, and of the materials exploited.

In 1896 documents relating to the conspiracy were discovered in the Bexar Archives at San Antonio, the Spanish capital of the Province of Texas. From early in the eighteenth century, much of the correspondence of the provincial Governors with the Captains-General and Viceroy of Mexico found lodgment in the musty files of the archives of the province. It is needless to say that they contain many manuscripts which are concerned with the westward growth of the United States and with the uninterrupted conflict which was waged with the retreating civilization of Spain. The views of the officers of Carlos IV. in that quarter as to the nature of the conspiracy are illuminating. They rightly classed it as a manifestation of the restless, encroaching activity of the nation which fate had placed on their borders.

The archives of the State of Texas contain materials dating from the Spanish régime and are of value on more than one doubtful point.

The Viceroyalty of Mexico on account of the prominent position it held among the Spanish colonies became the great center for the accumulation of official correspondence; and the treasure of manuscripts now contained in the *Archivo General de México*, Mexico City, is of inestimable value to the history of the New

World, and in an almost equal measure to that of Europe. Although we have ignored as far as possible the presence of the Spanish civilization in the affairs of America, and have remained blind to the tremendous formative and directive influence which it has exerted on the course of our national growth, it is from this collection that our own history is to be enriched and brought nearer to truth. The Departments of Marine, War, and the Provinces, together with the correspondence which passed between the Viceroy of New Spain and the home Government deserve special mention. In the latter collection are letters from Viceroy José de Iturrigaray to Don Pedro Cevallos, then Minister of State, which go a long way toward explaining the conduct of General James Wilkinson at the crisis on the Sabine in November, 1806. The cloudy transactions which resulted in the lamentable Neutral Ground Treaty and in the over-vaunted defeat of Burr are somewhat cleared of the mist which has enshrouded them.

The Mississippi Valley also proved a fruitful field for research. New Orleans was the focus for the various lines of forces which mingled in the conspiracy: it was the home of the Creoles who are supposed to have been at the heart of the plot; it was the place, if we follow generally accepted conclusions, specially designed by the adventurers for plunder; and it had the unenviable distinction to be subjected for two months to the tyranny of General Wilkinson. In its City Hall

are files of the *Moniteur de la Louisiane* and of the *Orleans Gazette*, both of which newspapers were published contemporaneously with the conspiracy. The former was the organ of the Creole population, the latter represented the Americans proper, while both contain, apart from valuable documentary evidence, a trustworthy reflection of the public mind of the time. It is needless to say that much new light is shed on that dark chapter in the history of the conspiracy which is concerned with the attitude of the native Louisianians toward Burr, and with Wilkinson's reign of terror in the capital of Orleans. The official manuscript Journal of W. C. C. Claiborne, the first Governor of the Territory, preserved in the old Tulane Law Library, is of exceeding interest, containing as it does much of his correspondence with the National Government, Wilkinson, and others.

Colonel R. T. Durrett of Louisville has in his splendid library a file of the *Palladium*, an independent newspaper published at Frankfort, Kentucky, and edited by William Hunter. In it are voiced the early controversies that rent Kentucky society, which has always been regarded as rife with disaffection. Most of the sensational articles concerning Burr, Wilkinson, and the Spanish Association, which appeared in the *Western World*, an incendiary newspaper established at Frankfort in July, 1806, were reprinted in the *Palladium*. Likewise a full account is given of the two arraignments of Burr in Kentucky. Another im-

portant source is the *Lexington Gazette*—a file of which is preserved in the Lexington Public Library—one of the most influential journals of the early West. Its columns, like those of the *Palladium*, were devoted to combating the inflammatory reports which appeared weekly in the *Western World*, and to asserting the patriotism of the frontiersmen.

The letters cited from the Andrew Jackson MSS. are of moment, for the relations which subsisted between Jackson and Burr have been so distorted and amplified that any approximation to the truth is to be welcomed. I am obliged to Messrs. Woodbury and Gist Blair for transcripts of the original documents.

The Henry Clay MSS. and the Breckenridge Letters were opened to my inspection, and it is a pleasure to express my gratitude to Thomas Clay, Esq., and to Colonel W. C. P. Breckenridge for their respective services in this connection.

The Jefferson and Madison MSS. have been examined with profit. Moreover, the Department of State at Washington, contains a notable volume entitled "Letters in Relation to Burr's Conspiracy," the contents of which, so far as I can ascertain, have never been made public. The letters are from various sources, and many of them are extremely significant, serving to make clearer the whole view of the conspiracy, especially the latter phase of it centering in the trial at Richmond.

That Burr was himself a mapmaker is known, but

that maps exhibiting the geography of his Western enterprise were in existence had hardly been suspected. There are, however, three such maps in the possession of Mrs. Thomas C. Wordin. They were inherited from her grandfather, Dr. John Cummins, who lived on the Bayou Pierre in Mississippi Territory where Burr's expedition collapsed. Dr. Cummins indorsed for Burr to a considerable extent, which proved his attachment;—and no doubt when the conspirator was under trial in the Territory these tell-tale documents were turned over to one who could be trusted to secrete them. The maps are of preëminent significance, illustrating, as they undoubtedly do, the outlines of Burr's project. To distinguish, Map No. 1 (measuring thirty-nine inches by thirty-two) shows the lower region of the Mississippi River with Natchez, New Orleans, and the Washita lands, also New Mexico and Mexico down to Yucatan. Map No. 2 is an admiralty chart (twenty-three inches by nineteen) and gives with astonishing minuteness a survey of the Gulf coast from New Orleans to Campeche. Islands, bars, and inlets are recorded, and soundings are given. The chart is beautifully executed on paper bearing the watermark of 1801. Map No. 3, which is here reproduced, measures in the original forty-five inches by nineteen. It exhibits in some of its details with startling correctness that section of Mexico lying between Vera Cruz on the east and Mexico City on the west. The minutiae into which these maps descend display a knowledge which could have been

obtained only from Spanish sources; and this opinion is reënforced by the fact that the longitude in one case is reckoned from Cadiz. On the whole, these documents, the authenticity of which is indubitable, form a strong link in the chain of evidence.

The correspondence of Anthony Merry, mentioned above, with whom Burr, while yet Vice-President, opened his intrigue, has been carefully examined. I had hoped also to find in the British Archives traces of Merry's correspondence with Burr in 1808, but my endeavors and the efforts of Mr. Hubert Hall of the Public Record Office were without result. Transcripts of Yrujo's correspondence with his home Government concerning Burr's disclosures to him have been deposited by Mr. Adams in the State Department Archives at Washington, and students ought to appreciate such a display of good will and scholarly spirit.

The reports of Merry and Yrujo reveal an astonishing audacity of design on the part of the conspirators. While they failed in their main purpose of obtaining needed moneys from King George and Don Carlos, they succeeded in hoodwinking both Merry and Yrujo. Here, as indicated above, there arises between Mr. Adams and myself a diversity of opinion which only serves to illustrate what different conclusions may be drawn from the same materials, taken in conjunction with additional facts. In this connection it is a pleasure to say that, while I have often had cause to disagree with Mr. Adams, he has been of inestimable service to

me not only because of his masterly method and the inspiration derived from following his work, but because he has said practically the last word on the conspiracy in its classic form, which teaches that it was double-natured—~~treasonable and filibustering~~.

Among those to whom I am under obligations and to whom I wish in this place to express my gratitude are: Señor Mariscal, Vice-President of the Republic of Mexico, and General Clayton, Ambassador to Mexico, through whose coöperation I was granted the freest access to the Mexican Archives; Mr. William Beer, librarian of the Howard Memorial Library of New Orleans; Colonel Reuben T. Durrett, who opened to me his rare collection of Western Americana; Dr. David J. Hill, Assistant Secretary of State; the Honorable Joseph H. Choate, Ambassador to the Court of St. James, whose note to the British Foreign Office so much facilitated my researches; Mr. Villiers of the Foreign Office, and Mr. Hubert Hall of the Public Record Office, whose uniform courtesy cannot be forgotten; and Mr. and Mrs. Thomas C. Wordin through whose kindness the Burr maps are for the first time called to the notice of the public.

I have specially to acknowledge the services of Professor George P. Garrison, who first encouraged me in the prosecution of the work, and who kindly read the MS. Mr. John P. Weisenhagen, Dr. and Mrs. William B. Seeley, Professor Francis W. Shepardson, and Professor Frederick J. Turner have in more than

one way left me indebted to them. My hearty thanks are due to Professor J. Franklin Jameson for his critical reading of the MS. and for his suggestions. To Dr. Louis H. Gray and Mr. C. C. Whinery I am grateful for corrections made in the proof. I wish also to thank my publishers for their readiness to comply with suggestions and for their constant courtesy.

Lastly, if the book has any merit, it is largely due to Idéalie Marie McCaleb, whose interest in it sprang up under peculiar circumstances, whose labors on it were many-natured, and whose faith in it has never wavered.

WALTER FLAVIUS McCALEB.

WASHINGTON SQUARE, March 25, 1903.

Contents

CHAPTER	PAGE
I. A BRIEF SURVEY OF THE PERIOD . . .	I
II. BURR'S TOUR OF THE WEST	16
III. BURR'S INTRIGUES	41
IV. PLANS AND PREPARATIONS	72
V. THE CRISIS ON THE FRONTIER	105
VI. WILKINSON'S DUPLICITY	136
VII. TWO KENTUCKY ARRAIGNMENTS	172
VIII. WILKINSON IN NEW ORLEANS	201
IX. THE EXPEDITION	242
X. BURR'S TRIAL IN MISSISSIPPI	271
XI. MEASURES IN WASHINGTON	285
XII. THE TRIAL AT RICHMOND	310
XIII. THE LAST YEARS	363

The Aaron Burr Conspiracy



CHAPTER I.

A Brief Survey of the Period



THE Conspiracy of Aaron Burr was preëminently a revolutionary product, receiving its inspiration from that unprecedented period of upheaval which began with the Revolution of 1776, its impelling force from the character of the American pioneer, its license from the disturbed condition of affairs existing in the New World. It is therefore necessary, in order correctly to view the movement, to devote a few words to a general survey of contemporaneous history, with especial regard to the West and the Spanish-American colonies.

America was in the Eighteenth Century, as now, inseparably bound up with Europe, the thought and feeling of the one instantly finding response in the other; so the flame of war for larger liberty, kindled first on the shores of America, was destined to lose itself in the vastness of the general conflagration. The doctrines set forth in the Declaration of Independence struck at the root of existing European institutions—

among which were privileged orders—and denied the divine right of kings. The phrase that all men are created equal lent overwhelming impetus to the oncoming French Revolution, and made possible the freedom of the wretched colonies of Spain in the Western World. The news of the rising in Europe thrilled the Thirteen Colonies which had been recently at war for their rights. The tricolor and the cockade became almost national emblems, while the mass of the people, whom the Constitution had sought in a measure to exclude from power, came to feel their weight in the affairs of the nation. In the Spanish-American provinces, because of the strenuous measures resorted to by the authorities, the force of the Revolution was much abated; but in spite of the Holy Inquisition the seditious doctrines of the French enthusiasts were disseminated among the natives.¹ Presently there were some who, brooding over the condition of their country, began to direct stirring pamphlets against the iniquities of the Spanish Government, and to plot for its disruption.² Summary and bloody were the proceedings of the authorities against the conspirators, but nothing could stay the spread of the maxims of liberty and equality set in motion by the great Revolution, although at the moment its crimes appalled the world.

If we examine into the internal conditions of the colonial establishments of Spain we shall see that everything was ripe for disunion and rebellion. A

¹Alaman's *Historia de Mexico*, i., 127.

²Restrepo's *Historia de la Revolución de Nueva Granada*, i., 55.

writer in *Bell's Messenger*, an influential journal of the day, said that the Spanish Colonies supported the parent as Anchises of old was supported by his children; but that they had become tired of the weight and cared not how soon the burden was shuffled off. The condition of affairs in many parts was indeed deplorable, for the system of government which Spain bound upon her colonies was antiquated and ill adjusted to the progress and necessities of the time. Everywhere absolutism, in Church and State, pressed the superstitious natives from one stage of degradation to a lower. Almost three centuries of Spanish rule in the Americas passed before the gross injustices in the prevailing order of things appealed to men with a force not to be repressed. Once more the masses were arrayed against privileged classes, and the fury of the Mexicans with their pikes at Guanajuato was not unlike that of the "sans-culottes" which overturned the Bastille and inspired the Terror.

The United States, through social and commercial relations, knew of the insurrections in the Spanish Americas and watched the political situation with keen and lively interest. This was but natural, for sentimentalism and revolutionary intoxication completely possessed the American mind. It was a radical régime that bore Thomas Jefferson in triumph. Aristocracy was spurned; the oligarchy of our early national period was rudely cast off, while in its place was installed virile, confident democracy. The sympathy of the young Republic for the French people in their struggle against the tyranny of Europe was unquestioned; in-

deed, tyranny in any quarter excited them to reprobate the existence of kings.

It was in the West that this madness reached its height. The course of political events had told mightily in molding the character of the Westerners. Their nearest neighbors were the Spaniards in Louisiana, and these, through repressive laws and encroachments, had lost no opportunity to make life in the Mississippi Valley unendurable. The States lying to the east of the Alleghanies, the original Union, contributed much in a negative way to estrange the Western settlements by neglecting and ignoring their interests. When Spain confiscated property on the Mississippi the Westerners blazed with indignation; and yet Congress seriously considered a treaty which would have closed the Mississippi to their commerce for twenty-five years. Thus outraged, the pioneers expressed their feelings through outspoken petitions to the Assembly of Virginia and to Congress. Their rights, they declared, were considered but subsidies to be traded for commercial concessions to the East; they had no market for their corn and pork; their goods were appropriated; the Indians were sent against them: they would end the tyranny by expelling the enemy from Louisiana!

There followed from 1787 a decade full of confusion and intrigues. The most conspicuous movement was known as the Spanish Association, or Conspiracy, whose vital principle comprehended the incorporation of the West with the possessions of Spain. This, however, played an insignificant part in the course of events, for the people instinctively recoiled at the

thought of becoming subject to a nation and a civilization they loathed. In reality it has never been shown that the movement embraced more than a few politicians and pensioners of Spain, of whom James Wilkinson was the chief, not only in point of service, but in talents. The Spanish movement can not have had, from the nature of things, roots that went deep in society—the Westerners were bound to the States by unseverable ties of blood and tradition.

When France rose against England and Spain, she had the sympathies of the Americans, who were even ready to take up arms in her behalf. Indeed, so tremendous was the force brought to bear on the Government that President Washington hardly withstood it; even the devotion of the people to him seemed for a time irretrievably lost. At such a moment (1793) Genet, the French Minister, landed in America. Taking advantage of the tide of feeling he equipped privateers, harassed the Government and launched a project for the invasion of the Spanish Possessions from our Western States. Louisiana and the Floridas were to be taken and, perhaps, Mexico.¹ During the summer Genet pushed his Louisiana expedition, which was forming in the West under the leadership of George Rogers Clark. Upon receiving notice to the effect that two hundred and fifty men were actually collected in that quarter, Thomas Jefferson, then Secretary of State, appealed to Governor Shelby of Kentucky for information. The Governor admitted the

¹See Frederick J. Turner, in *American Historical Review*, July, 1898.

presence of French revolutionists, and that Clark had received a commission to equip an army which had for its object the clearing of the Mississippi of the Spaniards; but he said that he was powerless to interfere, inasmuch as every citizen had a right to leave the State, if he pleased, and to take with him arms and ammunition.

This survey of events is necessary to us if we are rightly to interpret the Aaron Burr Conspiracy. It is only by studying the character of the people, the conditions under which they lived, and the nature of their environment that we can comprehend their feelings and their actions. But why should the West have been eager to wage a war against a neighboring power? Ostensibly it was a movement concerted with France against the enemies of humanity and liberty. There was still alive in the wilds of the New World something of the sentimentalism which had animated the best period of the great Revolution; and some of it, indeed, was destined to remain in the American breast to find its fruition in a struggle for the freedom of Cuba, which had felt for four centuries the leaden weight of mediævalism. But sympathy for the oppressed is too often associated with—indeed, too often conceals—an instinct which rises anew with every generation of Anglo-Saxons. In the mind of the Westerners, close-linked with their hatred of Spain for her insolence on the one hand and her oppression on the other, came the longing for her fabulous riches, which they meant sooner or later to take for themselves.

When the patience of the trans-Alleghany settlers

had been well-nigh outworn, Jay's Treaty, coupled with the victories of "Mad Anthony" Wayne over the Indians, brought relief to the Northwest, while the treaty which Pinckney negotiated at Madrid (1795) pacified the South and West. Spain at last recognized the claim of the United States to the free navigation of the Mississippi and granted under certain conditions the right of depositing goods in New Orleans. This dropping of the bars to commercial expansion proved a great stimulus to emigration; and by the end of the century the Westerners, numbering 400,000 souls, were scattered along the Great Lakes, were gazing across the Mississippi, and were crowding the boundary lines of the Floridas. Indeed, no longer were boundaries sufficient to stay their progress—many pushed into Missouri and Louisiana; but for the present the goal toward which all eyes were turned was the possession of New Orleans and the Mississippi.

"At the beginning of the nineteenth century," says Roosevelt,¹ "the settlers on the Western waters recognized in Spain their natural enemy, because she was the power which held the South and the west bank of the Mississippi. They would have transferred their hostility to any other power which fell heir to her possessions, for these possessions they were bound one day to make their own."

Such an opinion was shared in Europe. The French Ambassador, writing to his home Government from Madrid, said:²—

¹Roosevelt's *Winning of the West*, iv., 254.

²*American State Papers*, x., 185.

"The Cabinet of Madrid thinks it has the greatest interests not to open the Mississippi to the Americans, and to disgust them from making establishments on that river, as they would not delay to possess themselves of the commerce of New Orleans and Mexico, whatever impediments should be opposed to their progress, and that they would become neighbors the more dangerous to Spain—as, even in their present weakness, they conceive vast projects for the conquest of the western shore of the Mississippi."

With the opening of the Nineteenth Century the grievances against Spain took a new form. Although the Mississippi had been thrown open to the commerce of the Americans they were forbidden to enter the Spanish domain on pain of arrest and imprisonment, or even death. The traders among the Indians were apprehended, their goods confiscated, and border troubles—for example the Kemper brothers episode in West Florida—assumed in several cases serious complications. But the mine was laid on October 16, 1802, when Juan Ventura Morales, the Spanish Intendant of Louisiana, proclaimed that the right of depositing goods in New Orleans had been forfeited by the Americans. The whole country was aroused; war for the vindication of rights was everywhere proclaimed; and it is not surprising that strong measures were contemplated against the arrogant foreigners. The Americans looked upon the right of deposit as one which could not be withdrawn; but the protests of the Governor of Louisiana and the Secretary of War at Washington were ineffectual. In the end the action was disavowed by Spain, but nothing could stay the storm which had been raised. Henry Clay of Kentucky did not exaggerate

when he declared that: "The whole country was in commotion and, at the nod of the Government, would have fallen on Baton Rouge and New Orleans, and punished the treachery of the perfidious Government."¹ In many quarters it was openly advocated that the West should appeal to arms. "Coriolanus" said in the *Morning Chronicle*, December 27, 1802: "Kentucky has the advantage of invasion; and she no doubt will use it, if unsupported by the Union; she moves alone to the combat; she is situated on the waters rapidly descending to the point of attack; she will overwhelm Orleans and West Florida with promptitude and ease."²

Amidst this general clamor came the startling report of the transfer of Louisiana to Napoleon. The South joined the West in declaring that France should not be allowed to establish herself in her old possession. Nor was Jefferson so deaf as to mistake the ring of earnestness in the voice of his constituency—his stronghold was in the South and West. He wrote in his message to Congress, October 17, 1803: "Previously, however, to this period we have not been unaware of the danger to which our peace would be perpetually exposed, whilst so important a key to the command of the western country remained under foreign power." At the crisis, he said that if France persisted in her course to reoccupy Louisiana the United States would, of necessity, be forced to marry the army and navy of England. He wished not for war; yet he saw that it

¹Prentice's *Life of Henry Clay*, p. 77.

²*Palladium* (Frankfort, Kentucky), September 18, 1806.

was unavoidable if Louisiana was not secured to the Union, so he sought to purchase the coveted land.

In 1762 France ceded to Spain a region of unknown extent lying in the main to the west of the Mississippi; this territory was known as Louisiana, having been named in honor of the great Louis. But now that France again led the nations and was dominated by such a man as Bonaparte the retrocession was sought, and on October 1, 1800, with the secret treaty of San Ildefonso the act was concluded. Without entering into details, it is enough to state that the rupture of the Peace of Amiens, with its immediate consequences, caused Napoleon to meet the United States half way—and Louisiana was sold.

Hardly had the report of its acquisition become public when the question as to limits arose. Indeed, the United States commissioners, Monroe and Livingston, were engaged over this before the papers were signed. France held that the United States was entitled *only* to the land known as Louisiana, which was transferred to Spain in 1762 and which was retroceded to France by Spain in the Treaty of San Ildefonso in 1800. The United States was entitled to so much, but what were the boundaries? How far did Louisiana extend to the east? To the Iberville or to the Perdido? And was the western limit marked by the Arroyo Hondo, the Sabine, or the Rio Grande?

The question of limits, however, did not at first disturb the minds of the Westerners. The cession created great rejoicing throughout the region directly affected; meetings were held and resolutions passed,

while governors thought it of enough importance to mention in their messages. Governor Greenup told in grandiloquent words what it meant for Kentucky and for the West, closing his remarks with a peroration on America as the home of freedom.¹ Quite different was the attitude of New England, where the purchase was held up to the grossest ridicule. To the men who opened the way for the march of empire it meant everything. No longer would their flatboats be levied upon by Spain for floating on the Father of Waters; no longer would they be barred from the markets because of excessive duties; no longer would their material growth be hampered by a foreign power;—there were new regions to occupy, richer lands to develop and unbounded freedom of action! Now indeed the Westerners rejoiced in the strong arm of the Government. They had more than they had dared to expect, and their enthusiasm for Jefferson and the national Government, to whom all was attributed, was unlimited.

The acquisition of Louisiana settled finally the question of the navigation of the Mississippi; but the boundary dispute, complicated by the "French Spoliation Claims," which had their origin in French depredations on American commerce, promised no solution short of the sword. In the West, in truth, the sword was ready at any moment to leap from the scabbard. If the backwoodsman desired to move into new lands in search of game or to barter with the natives, he resented the law which forbade his approach. No inhabitant of Louisiana, so the royal order read, was to be permitted

¹*Palladium*, November 10, 1804.

to enter Nueva España,¹ for he had but one object in view—to strike a blow at Spain. The primary purpose of any expedition was to corrupt his Majesty's allies, the Indians, or to study the geography for military purposes. Nemecio Salcedo, Captain-General of the Internal Provinces of Mexico, went to such an extreme that he complained to the Viceroy, in October, 1805, of the Lewis and Clark Expedition, saying that it went ostensibly to discover the source of the Missouri, but really to estrange the Indians.² The Viceroy of Mexico sent reinforcements to the Sabine River to protect the frontier, and agents among the natives of Texas. Presents were distributed among them, for, as the Spaniards wrote, Dr. Sibley, the Indian agent of the Americans, had tried to seduce them from their allegiance. Jefferson, also in expectation of war, instructed Sibley to spare no means to convince the Red Men "of the justice and liberality we are determined to use towards them, and to attach them to us indissolubly."³

Beside the bitter hatred of Spain there had sprung into vigorous life in the West a national consciousness, a national mind, which resented the insults of the powers and which was destined to preserve the Union in the second war with Great Britain. Indeed, in a sense, love for the Constitution meant detestation of Spain. The conflict with the wilderness and its inhabitants, the free air, and freedom from restrictions, had

¹Salcedo to Cordero, January 9, 1804; MSS. Bexar Archives.

²Salcedo to Iturrigaray, October 2, 1805; MSS. Bexar Archives.

³Jefferson to Dr. Sibley, May 27, 1805; Jefferson's (Washington, ed.) *Works*, iv., 580.

caused the Westerners to recoil at the thought of Spanish tyranny and had, under the stimulus of their predilections, converted them unwittingly into revolutionists; and thus for years the West harbored the most devoted adherents of the Constitution and the most unscrupulous filibusters. They had a contempt for Spanish institutions, civil and religious, and were filled with "painful solicitude for the unfortunate millions she held in bondage." They indulged, said Foote in his *History of Texas*, "a jealousy active and unremitting towards the Spanish Government and people on account of the power which they possessed of disturbing the peace and retarding the growth of the United States." To contempt and jealousy were added the sense of injustice done us in the Napoleonic wars and the question of the settlement of boundaries. Most Westerners thought West Florida and Texas ours by right of purchase and were eager to seize them. The Bishop of Nueva León, who visited Natchitoches in January, 1805, wrote¹ to Viceroy Iturrigaray that "these Republicans count themselves owners of the territory to the Rio Grande." There were many, too, who endorsed what Jefferson suggested in a letter to A. Stewart in 1785 concerning the disposition of the Spanish possessions, that it was best for the interests of the great continent not to press too soon upon the Spaniards; but they believed the time was now come "to gain it from them piece by piece."

It was this the Spaniards feared; they had an in-

¹Bishop of Nueva León to Iturrigaray, January 20, 1805; MSS. Mexican Archives.

herent dread of the approach of the Americans, who were looked upon as being by blood and tradition lawless terrorists and revolutionists. Nor has the history of Spain in America during the Nineteenth Century tended, in their view, to disprove the correctness of the belief. One of the reasons which brought Spain to consent to the transfer of Louisiana to France was the hope that it would be made a buffer between the American and her own possessions. But its acquisition by the United States reopened the fears and difficulties of her neighbor. Louisiana became henceforth, as de Onis, the noted minister to this country, wrote,¹ a gateway for adventurers into Mexico.

On the Continent, so far as our study is concerned, the supremacy of French influence in the determinations of the Spanish Court was of paramount importance. It made possible the peaceful acquisition of Louisiana and restrained the United States from going to war with Spain during the years immediately succeeding; for war with Spain meant war with France also. But for this, Mexico and other Spanish-American colonies would have been earlier revolutionized. Napoleon desired to bring into his world-wide empire these boundless possessions; therefore France stood as a barrier between the two disputants. The wars that raged on the Continent had interest for us only in so far as they were waged, or were supposed to be waged, on the basis of humanitarian principles—the rights of the people as opposed to absolutism. This was the sign which roused the American people and which, in spite

¹De Onis's *Cuestión de Texas*, p. 3.

of Napoleon's unwise and unwarranted attacks on our commerce, kept the masses steadfastly in sympathy with France in her struggles. The case might have been modified somewhat had England acted another rôle; but so uncompromising and bitter was her resentment and her memory of the War of the Revolution that she disregarded at will our interests and insulted whenever she chose our national dignity. With Europe at war, America struggled hard to preserve her neutrality, and in accomplishing this she became the prey of both France and England, while suffering outrage after outrage from a power she longed to grind under her heel.

It was at such a juncture as this—the Americas in a state of unrest and revolution, Europe embroiled in the deadly and terrible struggles of Pitt and Napoleon, and the United States threatening war with Spain—that the first term of Jefferson's administration came to an end, and Aaron Burr, indicted for the slaying of Hamilton, eschewed by the Republicans and hounded by the Federalists, stepped down from the office of Vice-President. He had already embarked in an enterprise simple enough in itself, but which, through the tangling of his own web and the interplay of circumstances over which he had no control, was destined to become a puzzle for succeeding generations.

CHAPTER II.

Burr's Tour of the West



AT THE time when he embarked in his conspiracy Aaron Burr was forty-nine years of age. He owned a distinguished ancestry; Jonathan Edwards, the foremost theologian of America, was his grandfather on his mother's side, while the Burrs were of noble German blood, Aaron's father being a noted divine and president of Princeton College. The misfortunes of Burr began early; his parents died, leaving him and an only sister at a tender age to the care of relatives. He was carefully prepared for college and at sixteen was graduated with distinction from Princeton. He was destined for the ministry, but a few months' study of theology under Dr. Bellamy seems to have confirmed him in skepticism. He determined to take up the law, and began its study under Tappan Reeve, his brother-in-law. But the news of the battle of Lexington startled him from this for the time being. Hurrying to Boston Burr took his place in the ranks, and later joined Arnold's expedition to Quebec, nothing deterred by the perils of snow and ice and the pleadings of his relatives. He won distinction in the campaign and had the melancholy honor of bearing away the dead body of General Montgomery from before the snowbound blockhouse whence recoiled the last serious assault on the capital of Canada. Burr's rise was rapid; his integrity, bravery, intelligence, and

withal his knowledge of military science recommended him to his superiors. From an aide-de-camp to General Putnam he was soon elevated to the command of a regiment, acquitting himself notably while in charge of the Westchester lines above New York City.

After four years of unremitting service, Burr resigned from the army and at once bent his energies to the law, and within a short space was admitted to practice. He opened an office in Albany and was soon after married to Theodosia Prevost, an attractive and intellectual widow. To them was born a daughter, Theodosia, who was to play a brilliant and tragic rôle. Burr resided at Albany until the British were withdrawn from New York, when he moved thither and began the practice of his profession in earnest, mounting rapidly in the esteem of the public and dividing honors with Alexander Hamilton.

Burr's entry into politics seems to have been more by accident than design. In the beginning he steered clear of an alliance with either of the three great families—the Clintons, Livingstons, and Schuylers—creating for himself an independent party, the nucleus of which was a group of enthusiastic young men whom Hamilton denominated Burr's myrmidons. As yet things went smoothly for Burr who was, in 1789, after having opposed the reelection of George Clinton to the governorship, appointed by him Attorney-General of the State. In this capacity he won recognition both as an orator and as an administrator. Two years later, to his surprise, so far as we know, he was elected to the Senate of the United States over the head of General

Schuyler, Hamilton's father-in-law. This was the beginning of the feud which closed with the dark, lamentable tragedy of Weehawken—the duel in which Hamilton was slain.

The career of Burr in the Senate, where he espoused the Republican cause, was eminently honorable. He at once strode toward the leadership of the party, and in the Presidential election of 1796 received thirty electoral votes. At the end of his term of office, retired as Senator, he entered upon the maelstrom of New York politics. New York was in the election of 1800, as it has been so often since, the pivotal State, the determining factor in the national election. Through Burr's agency the Clintons and Livingstons were united, the schisms in the ranks of the opposition were widened, and the commonwealth was swept by the Republican electors. Burr was rightly credited with the victory, and was obviously the logical candidate for the Vice-Presidency, for which place he was nominated by the Congressional caucus which named Jefferson for the highest honor.

When the votes of the Electoral College were polled it was found that Jefferson and Burr had each seventy-three; John Adams sixty-five; Pinckney sixty-four; Jay one. There being a tie, the election was accordingly thrown into the House of Representatives, where it resolved itself into a struggle between the Federalists and the Republicans. After weary days of balloting and much bitterness Jefferson was made President, Burr becoming Vice-President. Now indeed storms began to gather. He came to be regarded by the Clin-

tons and Livingstons as an interloper. The party once victorious, he was discovered to be in the path of several aspiring gentlemen, who left no means untouched for his undoing. Attacked viciously by Cheetham, the scurrilous editor of the *American Citizen*, the organ of De Witt Clinton, he became also an object of suspicion and envy in the eyes of Jefferson and the Virginia political clique. Some of his assailants were only too glad to drag from the cesspool of political scandals any fragment which might be available in besmirching his character. He was accused of this and that, through all of which he maintained a resolute silence. It was a characteristic of his never to refute charges against his name. Losing caste with Jefferson and the leaders of his party, he stood for the governorship of New York; but he was doomed, and defeat led further—to annihilation of his hopes for political preferment.

Alexander Hamilton, who had pursued him with relentless language and bitter, damaging charges, was challenged to a duel and slain as a direct outcome of the part he had played in the election. If anything was now lacking to make Burr's isolation complete it was his stepping down from the chair of the Senate. Cast out by the Republicans, he was scorned and persecuted by the Federalists. As a party leader he was dead. Brilliant, ambitious, he must now have been in a state of mind bordering on despair, had he been addicted to gloom and melancholy. But it is not shown that Burr ever lamented or grieved over the course of things, however severely and painfully it pressed upon him. He had still his myrmidons who were as devoted to their

leader as they had been under the flush of his startling successes. Driven from power in the States, he turned with enthusiasm to a plan he had early formed of revolutionizing the Spanish colonies.¹ Indeed, before his term of office had expired, he was busy evolving ways and means which were to contribute to its success. As early as August 6, 1804, he had begun through an intermediary his intrigue with Anthony Merry, British Minister to the United States.²

A few days after the oath of office had been administered to his successor, George Clinton, Burr, still animated with the applause his last words in the Senate had occasioned, left Washington on a tour of the West—a preliminary to the inauguration of his project. He reached Philadelphia March 21, 1805, where he planned to spend ten days before continuing his journey. There he met Merry, to whom he now laid open his deceptive project, which he hoped would wring from the British treasury a sum of money commensurate with his needs. Mr. Merry, in a cipher letter of March 29th, gave Lord Harrowby the details:³—

“Notwithstanding the known profligacy of Mr. Burr’s character I am encouraged to report to your Lordship the substance of some secret communications which he has sought to make to me since he has been out of office. . . . Mr. Burr (with whom I know that the deputies became very intimate during their residence here) has

¹Davis’s *Memoirs of Aaron Burr*, ii., 376.

²The text of this correspondence of Merry was disallowed by the British Foreign Office.

³Merry to Lord Harrowby, March 29, 1805; MSS. British Archives.

mentioned to me that the inhabitants of Louisiana seem determined to render themselves independent of the United States and that the execution of their design is only delayed by the difficulty of obtaining previously an assurance of protection and assistance from some foreign power and of concerting and connecting their independence with that of the inhabitants of the Western parts of the United States, who must always have a command over them by the rivers which communicate with the Mississippi. It is clear that Mr. Burr (although he has not as yet confided to me the exact nature and extent of his plan) means to endeavor to be the instrument for effecting such a connection. He has told me that the inhabitants of Louisiana, notwithstanding that they are almost all of French or Spanish origin, as well as those of the Western part of the United States, would, for many obvious reasons, prefer having the protection and assistance of Great Britain to the support of France; but that if his Majesty's government should not think proper to listen to his overture, application will be made to that of France, who will, he had reason to know, be eager to attend to it in the most effectual manner, observing that peace in Europe would accelerate the event in question by affording to the French more easy means of communication with the continent of America, though, even while at war with England, they might always find those of sending the small force that would be required for the purpose in question. He pointed out the great commercial advantage which his Majesty's dominions in general would derive from furnishing almost exclusively (as they might through Canada and New Orleans) the inhabitants of so extensive a territory."

A masterly argument and impressively put. It was a luring bait, and Merry took it at once for what it seemed—forwarding it to his Government with as much approbation as he dared and with as much expedition as he could command. If the commercial classes of England were determined to annihilate American

trade, if King George was set upon insulting the young nation as part of his daily routine, the idea of dividing the house against itself seemed to Merry not only inviting, but most wise and diplomatic. And furthermore, should England reject the offer, France might seize the occasion to deal the commercial and political interests of her enemy a telling blow. The proposition was inviting. Thus far the ex-Vice-President had dealt only in generalities—he had discussed what was the common talk of the day concerning the infidelity of Louisiana and its determination to revolt. When pressed for something more tangible, Burr simply made excuses, giving out only as much as he deemed necessary to secure “the protection and assurance required to accomplish the object.” Merry continued:

“Mr. Burr observed that it would be too dangerous and even premature to disclose to me at present the full extent and detail of the plan he had formed; but that he was at the same time aware of the necessity of making the most ample and unreserved communication to his Majesty’s government, in order that they might be fully satisfied, as well of the good faith with which he means to act, as of the practicability and utility to them of the undertaking which he had in view and that he would therefore send a confidential person to England to make those communications as soon as he should have received through me, the necessary assurance of their being disposed to grant the protection and assurance required to accomplish the object.”

The hollowness of Burr’s intrigue, the barefacedness of the sharp scheme to secure funds for the floating of his designs on Mexico by holding out hopes

to Merry which he knew had not the slightest chance of realization, did not appear at the moment, but could not have been more boldly proclaimed than in his statement of the "protection and assurance required":

"In regard to the military aid, he said, two or three frigates and the same number of smaller vessels to be stationed at the mouth of the Mississippi to prevent its being blockaded by such force as the United States could send, and to keep open the communications with the sea would be the whole that would be wanted; and in respect to money the loan of about one hundred thousand pounds would, he conceived, be sufficient for the immediate purposes of the enterprise, although it was impossible for him to speak at present with accuracy as to this matter. On the latter allegation he observed that any suspicion of his Majesty's government being concerned in the transaction, till after their independence should have been declared, which would arise if remittances were made to this country or if bills were drawn from hence, might be avoided by the appropriation to this object of a proportion of the two hundred thousand pounds which the United States have to pay to his Majesty next July, and part of which sum he would devise the means to get into his possession without its destination being either known or suspected."

Already the matter of money was worrying Burr and his chief associates. This most necessary article in the inauguration of any project was their first consideration, and, that it might be obtained, no device however questionable or nefarious was to be ignored if success were promised—the end would justify the means. The matter of the two or three frigates at the mouth of the Mississippi was as nothing in the scales with a hundred thousand pounds, which were conceived

to be sufficient for the "immediate purposes of the enterprise."

After the interview with Merry, Burr quickly made his preparations for his journey over the mountains to Pittsburg. He advised his daughter to address him for the time being at Cincinnati, in care of John Smith, Senator from Ohio, adding that the object of his journey, "not mere curiosity or *pour passer le temps*," might take him to New Orleans and perhaps farther. It is quite probable that Burr planned a continuation of his voyage of discovery to Mexico. Certain it is that he alarmed Casa Yrujo—the Spanish Minister who was proving such a plague to Jefferson—before leaving Washington by sending twice to him for a passport to Mexico, "under the pretext that the death of General Hamilton (whom he killed out of spite) would not permit his remaining in the United States." Yrujo knew of Burr's interviews with Merry, and therefore thought the object of Burr's visit most suspicious—in a word, he believed him the spy of England. He reported that Burr had taken with him mathematical instruments for the purpose of making plans, and that the officials of the Floridas had been warned against his manœuvres.¹ But Yrujo had not penetrated Burr's designs; little dreamed that his purpose was to place himself in touch with the revolutionists of Mexico, who were so shortly to smite the power of Spain.

On April 29, 1805, Burr reached Pittsburg on the Ohio, where General James Wilkinson, who had just been appointed Governor of the newly organized Terri-

¹Yrujo to Cevallos, May 24, 1805; MSS. Spanish Archives.

tory of Louisiana, was to have joined him. But Wilkinson had been delayed; so, leaving a letter for him, Burr embarked upon the Ohio in an ark which he had had specially prepared for him. In due time he reached Marietta, a hamlet of eighty houses, where he parted company with Mathew Lyon, member of Congress from Tennessee, whom he had overtaken *en route* and with whom it seems the matter of Burr's return to Congress from that State was discussed. Putting off the next day he passed Parkersburg, and two miles below arrived at Blennerhassett's Island, which has become famous through its connection with the conspiracy. Its three hundred acres have been much reduced by the encroachment of the river, but the narrowing shores, where Harman Blennerhassett, an Irish gentleman, had planted fields of hemp and had erected palatial buildings, are still haunted with the memory of a tragedy. The master was absent, but Mrs. Blennerhassett invited the ex-Vice-President to dinner—and this was the beginning of a connection which was to link forever the names of Burr and Blennerhassett.

On the eleventh of May Burr reached Cincinnati, then a town of fifteen hundred inhabitants, where he became the guest of Senator John Smith, who was also a storekeeper and army contractor. There he met Jonathan Dayton, a friend from Revolutionary times; whose term as Senator from New Jersey had just expired. Burr spent a day in the company of Smith and Dayton, who were allied with him in the formulation of plans for the project. Hurrying down the river he next stopped at Louisville, whence he took

horse to Frankfort, which place was reached May 20th. Passing through Lexington, the 29th found him at Nashville, where he was four days the guest of Andrew Jackson and the recipient of unusual attentions. He was no longer the despised murderer of Hamilton, but the triumphant duelist; no longer the insidious, unscrupulous intriguer, but the general who had led the cohorts of Democracy to victory; and, finally, he was accepted as the predestined leader who was to scourge the Spaniards from America. This was, after all, the mission of his life. Such was Burr's announcement, and the news spread as fast as such welcome tidings might travel. To the Tennesseans and the frontiersmen in general it was a battle-call they were only too eager to answer; and among the first to respond was Andrew Jackson, major-general of the Tennessee militia.

On June 3d Burr was provided by his host with an open boat, in which he floated to the mouth of the Cumberland River, a distance of two hundred and thirty miles, where his ark, which had come down the Ohio, was in waiting. The next stop was made sixteen miles down the Ohio at Fort Massac—a prominent frontier post on the north bank of the river not many miles from its juncture with the Mississippi—where General Wilkinson had arrived, having descended the river from Pittsburg in the wake of Burr. The General had halted also in Cincinnati, keeping company with Smith and Dayton, who were represented as busy with a scheme to dig a canal around the falls of the Ohio. He found time, however, to write to John Adair, an

influential Kentuckian soon to succeed John Breckinridge in the Senate: "I was to have introduced my friend Burr to you; but in this I failed by accident. He understands your merits, and reckons on you. Prepare to visit me, and I will tell you all. We must have a peep at the unknown world beyond me." This letter perhaps affords a clue to the topic discussed by the General and his friends during the four days spent at Massac. No doubt the whole situation was canvassed: the probability of war with Spain; the ease with which the Floridas might be overrun; the matter of the equipping of an army which should sail for Vera Cruz to light the torch of insurrection in Mexico. Wilkinson afterward averred that the subjects of their conferences were legitimate. Whatever they were, the two old army friends, who had stood side by side under the walls of Quebec, parted with high hopes, Wilkinson making his way slowly to St. Louis, while Burr set out in a barge fitted up by the general with sails and colors, and manned by ten soldiers and a sergeant. In his pocket was a letter to Daniel Clark, a prominent merchant and influential citizen of New Orleans:

"This will be delivered to you by Colonel Burr," began the general's introductory note,¹ "whose worth you know well how to estimate. If the persecutions of a great and honorable man, can give title to generous attentions, he has claims to all your civilities, and all your services. You cannot oblige me more than by such conduct; and I pledge my life to you, it will not be misapplied. To him I refer you for many things improper to letter, and which he will not say to any other."

¹Wilkinson's *Memoirs*, ii., Ap. lxxi.

While Burr, thus equipped, passed on toward New Orleans, Wilkinson approached Majors Bruff and Hunt of the garrison of St. Louis, Timothy Kibby, John McKee, and others with propositions varying from the conquest of Mexico to the establishment of a military empire in Louisiana as a consequence of anarchy in the Eastern States, growing out of the rule of Democracy. Wilkinson had already begun sowing the seeds which were to prove the destruction of Burr. On June 24th instructions were written for Lieutenant Pike, who went, according to Kibby and Adair, to explore the way to Santa Fé and the mines of Mexico.

On June 25, 1805, Burr landed at New Orleans. The *Orleans Gazette* chronicled at the time: "Colonel Aaron Burr, late Vice-President of the United States, arrived here on Wednesday last in a boat displaying the American ensign, and rowed by a detachment of soldiers. We understand he purposes returning to Kentucky in ten or twelve days." Burr was much pleased with the city, and wrote Theodosia that he should certainly settle there were it not for herself and her boy, who controlled his fate. New Orleans was a place of no mean importance; during the course of a year three hundred sea-going vessels and six thousand river flat-boats arrived at its levees, and nine thousand people busied themselves within its limits. The letter to Clark was presented, and at an early date he gave a dinner in Burr's honor, which was attended by the best element in the city. Other fêtes followed, and Burr was everywhere received with the utmost cordiality.

The society most frequented by Burr has been, and in all probability will remain, a source of dispute.¹ There is no conclusive evidence to show that Burr restricted his confidences while in New Orleans to any individual or group of individuals. It appears from the light we have that Burr's purpose was to observe the drift of public opinion; to engage the warlike and the adventurous in his filibustering enterprise against the Spanish possessions. In this he was most successful; the Mexican Association, formed for the avowed purpose of collecting Mexican data which would be useful for the United States in case of war with Spain, was enlisted in his cause. Two of the most influential members of the Association were John Watkins, Mayor of New Orleans, and James Workman, judge of the county court. The former related to W. C. C. Claiborne, Governor of the Territory of

¹Henry Adams says that Burr was "entertained by the enemies of Governor Claiborne and of the Spaniards" (*History of the United States*, iii., 223); that Wilkinson told the story, on the evidence of Lieutenant Spence, that "Burr on his arrival in Louisiana became acquainted with the so-called Mexican Association—a body of some three hundred men, leagued together for the emancipation of Mexico from the Spanish rule, . . . and under his influence the scheme of disunion was made a part of the Mexican plan." A moment later we are assured by the same eminent authority that Burr did not conceal his secrets from his "principal allies—the Creoles of New Orleans" (iii., 227). In other words, Mr. Adams contends—for the Mexican Association was composed of Americans—that practically the whole city, rent with factions, was in the secret which embraced the idea of a separation of the States and the conquest of Mexico, and yet all was harmonious.

Another writer of repute, Charles Gayarré, has averred (*History of Louisiana*, iii., 81) that Burr fell in with the Spaniards and gave them some intimation of his business. Gayarré never gave up this idea, for he interpreted the movement of the Spanish troops toward Baton Rouge at the moment of the crisis of the conspiracy as a diversion in Burr's behalf.

Orleans, at the crisis the history of the organization, repudiating in the most emphatic terms the charge of Wilkinson that its members were rabid disunionists. Watkins proved what he averred; even Claiborne when the storm had subsided, though he removed Watkins from the mayoralty, was obliged to confess to Madison, "I believe he meditated nothing against the American Government—and that he sincerely loves his country. I however am of opinion that his zeal for the liberation of Mexico led him into some imprudences."¹ Workman's interest in the cause of the Spanish colonies was not extinguished by the collapse of Burr's scheme, Erick Bollman, who was one of the prime movers in the Conspiracy, being able to write in 1808, "Judge Workman, now practising as a lawyer, is the only man of energy, which is constantly excited in the old cause. His looks are steadfastly turned to the South."²

Plans for the "liberation of Mexico" were formed beyond doubt. Emissaries were to be employed. The Bishop of New Orleans, who had traveled in Mexico and knew the discontent of the masses and the clergy, was in the secret, and designated three Jesuits to act as agents for the revolutionists. Madame Xavier Tarjcon, superior of the convent of Ursuline nuns at New Orleans, was also acquainted with the plot.³ The paramount idea of the time was the revolutionizing of the Spanish territories—and Burr announced here, as he

¹Claiborne to Madison, March 11, 1807; Letters in Relation to Burr's Conspiracy, MSS. State Department Archives.

²Bollman to Burr, August 11, 1808; *Private Journal of Aaron Burr* i., 29.

³Davis's *Memoirs of Aaron Burr*, ii., 382.

had done in Kentucky and Tennessee, that his life should be devoted to the overthrowing of the Spanish power in America. ✓

Clark probably knew as much as any one of what was in contemplation, and his attitude of friendliness toward Burr at a later period, when he had every motive to pursue a different course, with his outspoken condemnation of Wilkinson in his *Proofs*,¹ shows that one of his attributes was love of justice. Gayarré more than established the correctness of the *Proofs*, which exposed Wilkinson's corrupt dealings with the Spaniards; and if Clark never fully divulged his knowledge of Burr's project, he betrayed the secret of it when he declared on the floor of Congress, at the moment when expectation was at its highest tension, that if treason were contemplated no Louisianian would be found concerned in it! Clark himself entertained revolutionary ideas, but they did not involve the sundering of the States. John Graham, Secretary of the Territory of Orleans, said that Clark had given him some papers which told, among other things, of the strength of the Mexican forces and garrisoned towns between Vera Cruz and the City of Mexico, and of the naval strength of Vera Cruz. It was Clark's opinion that Mexico could be easily invaded, but he would have nothing to do with such an undertaking if headed by the Government. Permission was all that was wanted—an empire could then be established.² This information had been

¹Clark's *Proofs of the Corruption of General James Wilkinson*.

²Clark's *Proofs*, p. 103.

acquired while on trading voyages to the chief seaport of Mexico. Of these voyages there are frequent accounts in the Spanish official reports,¹ for Clark was wont to recite to Government the news of Europe and America. But an end came to this when the Spaniards learned that he had been chosen a Delegate to Congress.² Burr no doubt profited by what Clark had learned of the conditions of society in Mexico, and the merchant was observer enough to note that a revolution was imminent. That he agreed to join with Burr there is little doubt; but he, like many others, wished to see the movement triumphant before sharing its fortunes. Certain it is Clark never set out to play a heavy part in the plot, which, as he understood it, was wholly against Mexico. It was a matter for jest with him when he heard on the streets of New Orleans the extravagant designs attributed to his new acquaintance, whose address even was unknown to him. September 7th, a few weeks after the departure of Burr from New Orleans and almost at the hour of his arrival in St. Louis on his visit to Wilkinson, Clark wrote to the General:³—

“Many absurd and wild reports are circulated here, and have reached the ears of the officers of the late Spanish Government, respecting our ex-Vice-President. . . . You are spoken of as his right-hand man. *Entre nous*, I believe that Minor of Natchez has had a great part in this business, in order to make himself of importance—he is in the pay of Spain and wishes to convince

¹Clark to Pedro de Alamo, September 26, 1805; MSS. Mexican Archives.

²Iturrigaray to Soler, August 27, 1806; MSS. Mexican Archives.

³Wilkinson's *Memoirs*, ii., Ap. xxxiii.

them that he is much their friend. . . . What in the name of Heaven could give rise to these extravagances? Were I sufficiently intimate with Mr. Burr, and knew where to direct a line to him, I should take the liberty of writing to him. . . . The tale is a horrid one, if well told. Kentucky, Tennessee, the State of Ohio, with part of Georgia and part of Carolina, are to be bribed with the plunder of the Spanish countries west of us to separate from the Union; this is but a part of the business. Heaven, what wonderful doings there will be in those days! . . . Amuse Mr. Burr with an account of it."

Burr was pleased with the aspect of affairs in Louisiana and wrote his daughter that he had promised to return the next fall. Having spent a fortnight in New Orleans, where he had attached to his interests the Mexican Association, the adventurers, and the revolutionary element, Burr, mounted on horses provided by Clark, set out on his return overland. His first stop was at Natchez, where a week was spent among those who were eager to engage in a war with Spain, to punish the so-called invaders of the country. From Natchez he proceeded to Nashville, hazarding four hundred and fifty miles of wilderness. On August 6th he was again domiciled with Jackson, who was, as Burr described him at the time, a man of intelligence and a prompt, frank, ardent soul. A public dinner was now spread in Burr's honor at the capital, where toasts were drunk of a nature to leave no doubt as to the sympathies of the audience. Then he passed to Lexington, where he was the recipient of hospitalities such as only Southerners of that day knew how to dispense. The last day of August Burr was riding the twenty-two miles from Lexington to Frank-

fort, where he was once more quartered with John Brown, a distinguished citizen who had for years been a prominent figure in Kentucky politics. On September 2d Burr was in Louisville; ten days later he reached St. Louis on a visit to General Wilkinson, who had already assumed the reins as governor. Burr now learned that Pike was exploring the best route to Santa Fé; and Wilkinson heard what was not news to him, that the West and South were eager for a fight with Spain, that an army could be raised in a few days for the conquest of Mexico. To all appearances there was no break in their friendship, nor any abatement of enthusiasm. In truth it could have been no object of minor importance which called Burr at that season so far out of his way. Wilkinson attempted to depreciate this visit by repeating under oath at the trial at Richmond the following conversation:¹—

“Mr. Burr speaking of the imbecility of the Government said it would molder to pieces, die a natural death, or words to that effect, adding that the people of the Western country were ready to revolt. To this I recollect replying that, if he had not profited more by his journey in other respects, he had better have remained at Washington or Philadelphia; for surely, said I, my friend, no person was ever more mistaken! The Western people disaffected to the Government! They are bigoted to Jefferson and democracy.”

What was equally to the point, the General claimed to have written, upon the departure of the ex-Vice-President, a letter denouncing him to the Secretary of the Navy; Wilkinson thought its text about as follows:

¹*Annals of Congress*, 1807-08, p. 611.

"Burr is about something, but whether internal or external I cannot discover. I think you should keep an eye on him."

In spite of the paucity of the testimony, Hildreth¹ and others have tacitly credited Wilkinson with having, at so early a date, given notice of the approaching danger. There are, however, no available data to show that his interest in the career of Burr had flagged, for we find him carefully fostering the deception that Burr sought to be returned to Congress. When Burr left St. Louis for Vincennes, capital of Indiana Territory, which place he reached September 23d, he carried with him this letter from Wilkinson to Governor William Henry Harrison:²

"I will demand from your friendship a boon in its influence co-extensive with the Union; a boon, perhaps, on which the Union may much depend; a boon which may serve me, may serve you, and disserve neither. . . . If you ask, What is this important boon which I so earnestly crave? I will say to you, return the bearer to the councils of our country, where his talents and abilities are all-important at the present moment."

From Vincennes, at the time he set out for Washington, Burr wrote Wilkinson that the matter of which he had written had not been mentioned in his conversation. But whether the General had or had not discounted Burr's projects, there were not wanting those who looked askance at his Western meanderings. Before he had begun his homeward journey the news-

¹*History of the United States*, v., 599.

²*Parton's Life of Burr*, ii., 50.

papers attributed to him as many plots as the ingenuity of the sensation-monger could conjure up.

{ “We have been frequently asked,” explained the editor of the *Lexington Gazette*, “why we have paid such attention to the movements of Mr. Burr since his arrival in the Western country. The latter part of his political career, fraught, perhaps, with a degree of duplicity which can never be satisfactorily defended, has made him an object of attention wherever he has traveled. His talents for intrigue are considered as unrivalled in America, and his disposition doubted by few.” The subsequent queries have lately appeared in the *Gazette of the United States*. Whether any circumstances have come to the knowledge of the writer which would justify such a publication, we are uninformed. Without giving an opinion as to his views in this country, we publish the queries, . . . at the same time believing that if he calculated on withdrawing the affections of the people of the Western States from their Government, he will find himself deceived, if he has not already made the discovery.”¹

Here are the queries alluded to :

“How long will it be before we shall hear of Colonel Burr being at the head of a revolutionary party on the Western waters? Is it a fact that Colonel Burr has formed a plan to engage the adventurous and enterprising young men from the Atlantic States to Louisiana? Is it one of the inducements that an immediate convention will be called from the States bordering on the Ohio and Mississippi to form a separate government? Is it another that all the public lands are to be seized and partitioned among these States, except what is reserved for the war-like friends and followers of Burr in the revolution? Is it part of the plan for the new States to grant the new lands in bounties to entice inhabitants from the Atlantic States? How soon will the forts and magazines and all

¹*Palladium*, September 7, 1805.

the military posts at New Orleans and on the Mississippi be in the hands of Colonel Burr's revolutionary party? How soon will Colonel Burr engage in the reduction of Mexico by granting liberty to its inhabitants, and seizing on its treasures, aided by British ships and forces? What difficulty can there be in completing a revolution in one summer, among the Western States, when they will gain the Congress lands, will throw off the public debt, will seize their own revenues, and enjoy the plunder of Spain?"

To say the least, this was a remarkable set of interrogations; and what was equally remarkable was the avidity with which it was seized on by the press and circulated with added comment from border to border of the country. It was a sensational story, and whether it were the product of some quill-driver of a partisan sheet, or the naked fact, the readers of the "yellow" journals of that day had no means of ascertaining. They rarely questioned; in the absence of the telegraph it was no easy task to verify a report, and such writers as John Wood and Duane, Cheetham and Callender never pothered over uncertainties. In the West at this time the papers were a unit in denouncing the unfair and altogether slanderous insinuations that the frontiersmen were eager for lawless measures. But in spite of expressions of affection for the Constitution and for the Union, the impression spread abroad that the West was once more on the verge of slipping under the Spanish yoke; or, indeed, of enlisting under the banner of an adventurer. In this way the country was gradually prepared for the events of the ensuing year. Nor were these whispers of suspicion to be stayed by the boundaries of the Republic. Before the end of

July—a month before Clark reported the rumors from New Orleans, weeks before the newspapers took up the alarm—the news had reached our warlike neighbors in Texas that Aaron Burr, ex-Vice-President, had come to New Orleans under military escort, and that it was reported he meditated some extraordinary enterprise, the exact nature of which was still in doubt.¹ Likewise the stirring news spread eastward. On August 4th, while Burr was emerging from the wilderness to the south of Nashville, Merry hastened to communicate to Lord Mulgrave that the scheme had been betrayed or had been ruined through publicity:

“Notwithstanding that the confidential person, whom, as I had the honor to mention to your lordship in my despatch No. 22 [March 29th] Mr. Burr had said that he intended to send to me, has not as yet appeared, I learn that that gentleman has commenced his plan in the Western country, and apparently with much success, although it would seem, that he or some of his agents have either been indiscreet in their communications, or have been betrayed by some person, in whom they considered that they had reason to confide, for the object of his journey has now begun to be noticed in the public prints, where it is said that a convention is to be called immediately from the States bordering on the Ohio and Mississippi for the purpose of forming a separate government. It is, however, possible that the business may be so far advanced as, from the nature of it, to render any further secrecy impossible. The best accounts of Mr. Burr were from St. Louis, from whence he had proceeded to New Orleans, and it is observed that he had been received everywhere with the most marked attention.”²

A year had elapsed since Merry had made his first

¹Valle to Elguezabal, July 30, 1805; MSS. Bexar Archives.

²Merry to Mulgrave, August 4, 1805; MSS. British Archives.

report to the Foreign Office of Burr's project; months had passed since the notable letter of March 29th had been dispatched—and yet the home Government was silent. The Minister should have taken the hint. But far from that, his enthusiasm was unbounded when he learned through current rumor that the undertaking was actually begun. Here was a triumph to boast of, for had he not rendered an early account of it to the Foreign Office? This time, however, his information had come through the medium of the press, and Yrujo read the same paragraphs and inclosed them to Cevallos, the Spanish Minister of State, with a letter dated August 5th, one day after Merry had penned his account. Referring to Burr's secret interviews with the English Minister, his demand for a passport to Mexico, the draughting instruments, he registered again his suspicions, adding, however, that the West at the moment was unripe for Burr's designs, and scoffing at the idea of an attack on Mexico. In conclusion, Yrujo showed in a paragraph that he had almost fathomed the business of Burr:

“The supposed expedition against Mexico is ridiculous and chimerical in the present state of things; but I am not unaware that Burr, in order to get moneys from the English Minister or from England, has made to him some such proposition, in which he is to play the leading rôle.”¹

Yrujo little knew that his turn to be deceived by the conspirators in their casting about for funds was close at hand. They appeared to the Spanish Minister

¹Yrujo to Cevallos, August 5, 1805; MSS. Spanish Archives.

masked, as Merry had seen them, though the make-up had been varied with the necessities of the case.

Thus, before the summer of 1805 had expired the country from North to South was vibrant with tales of a plot, or rather of as many plots as ingenuity could contrive—nothing was tangible. Toward the middle of November, 1805, Burr had reached Washington without mishap from his Western tour, and went at once to the British Legation—Dayton who had been ill in the West had only two days prior made a report to Merry—to unroll his budget of falsehoods and to learn the fate of his propositions. Finding no reply he straightway widened and deepened his schemes for obtaining money. That all-essential element to his success he was determined to secure, without regard to consequences immediate or future.

CHAPTER III.

Burr's Intrigues.



WHEN Aaron Burr had returned to Washington from his summer in the West, he was fully satisfied that his project could fail only for want of the "sinews of war." Everywhere through the Western country he had been applauded as the leader who was to march an army to the heart of the Kingdom of Mexico, giving freedom to her enslaved millions, and, incidentally, fortunes to his followers. The Westerners—excitable, sympathetic, liberty-loving, and patriotic—longed for an opportunity to retaliate against Spain for insults of long standing, and they were ready to accept the smallest provocation as excuse for an assault on her decaying empire. Burr gave them to understand that a war with their old oppressor was only a matter of time; that the Government would not interfere with his plans; while to some he said that an expedition for the invasion of the Spanish territories would be formed regardless of cause or consequence. It was against this emergency that he needed half a million dollars; and in the pursuit of which he invoked all his powers of dissimulation—conduct which has come in this later day, from the false light thrown upon the movement to distort and condemn it.

In this involved scheme the British Minister, or King George, was designed as the chief victim; and

Burr's first interview with Merry upon returning to Washington from the West was a masterpiece of intrigue. Merry scrupulously reported the whole of Burr's story to Lord Mulgrave.¹ Burr opened with the remark that he thought the English Government disposed—

“to afford him their assistance, but he observed that the information which had reached him on this head was not sufficiently explicit to authorize him to send a confidential person to London to make to them the necessary communication as he had promised and intended. He was therefore now obliged to try the effect of those which I might be able to convey. . . . These disappointments gave him, he said, the deepest concern, because his journey through the Western country and Louisiana as far as New Orleans, as well as through a part of West Florida, had been attended with so much more success than he had even looked for, that everything was in fact completely prepared in every quarter for the execution of his plan; and because he had therefore been induced to enter into an engagement with his associates and friends to return to them in the month of March next, in order to commence the operations.”

That Merry—who had more than three months earlier reported to Lord Mulgrave the successful commencement of the Western enterprise; who had seen in the newspapers at least a dozen projects attributed to the ex-Vice-President—should have asked no questions, but have put in an official dispatch with his indorsement the whole of Burr's story, is more a compliment to his industry and ambition than to his sagacity or intelligence. Burr's fear of delay in receiving the pecuniary

¹Merry to Lord Mulgrave, November 25, 1805; MSS. British Archives.

assistance led him to say to Merry that the inauguration of his plan was set for March, while in reality so early a date was never contemplated. Because of the shortness of the time and the winter season it was wholly out of the question. It was announced in the West for the ensuing fall; and the correspondence and every step taken by the conspirators show that to have been the earliest time considered. Burr's next point of deception was that he had received encouraging communications which gave him "room to hope and expect that his Majesty's government were disposed to afford him their assistance." But the truth was that neither Colonel Williamson nor any other agent of Burr had appeared or seems likely ever to have appeared before the English Cabinet. The fact that Merry never received a line on the subject of the negotiation from the Foreign Office is proof conclusive that the Government never gave an outsider encouragement. To have Merry believe the contrary, however, was but a skillful device used by Burr to secure his approbation of the plan; for clearly it would have been disastrous for an arrangement to be made through any other medium than himself.

"He [Burr] was sensible that no complete understanding on the subject could well take place without verbal communication; but he flattered himself that enough might be explained in this way to give a commencement to the business, and that any ulterior arrangements might safely be left till the personal interviews he should have with the persons properly authorized for the purpose, whom he recommended to be sent with the ships of war, which it was necessary should cruise off the mouth of the Mississippi at the latest by the 10th of April next,

and to continue there until the commanding officers should receive information from him or from Mr. Daniel Clark of the country having declared itself independent."

This splendid secret of the West declaring itself independent was not new to Merry, for the public prints, as Burr well knew, had only recently declared that a convention was soon to be called for just such a purpose. But in reality if such a proposition was ever mooted save by industrious editors there is no trace of it.

Ostensibly to secure the success of his undertaking Burr now requested that to his former estimate of naval strength should be added a number of—

"smaller vessels; because the overture which had been made to him at New Orleans from a person of the greatest influence in East and West Florida and the information he had otherwise acquired respecting the state of those countries, having convinced him that they are equally disposed to render themselves independent; and while he had good reason to believe that the same spirit prevails in many other parts of the Spanish dominions on this continent, such force with that which he should be able to provide would be required to defend the entrance of the river and the coasts of Florida and to keep up a free communication with the sea and those places where it might be found expedient to act."

Here was indeed another lever, which, so far as Burr could see, promised to be effective; but which in reality worked greatly to the injury of his cause—if there had ever been a chance for it. So long as an attack on the integrity of the Union was in contemplation, King George might be expected to open his strong-box in its support; but to bring the Floridas and

"other places where it might be found expedient to act" within the scope of action was to close all avenues securely. True, England was at war with Spain, and an attack on the enemy, to all appearances, would be welcomed; but Burr was not aware that the British Ministry, while aiding Miranda, the South American patriot, in a minor way, were already considering plans for the absorption of the Spanish colonies, and would therefore look upon his enlarged scheme with disapprobation. In this connection Burr spoke of Miranda:

"At the last meeting I had with Mr. Burr," said Merry, "he told me that he had just received notice from New York of the arrival there from England of General Miranda who appeared by his information to have been sent to this country by his Majesty's government, to co-operate with him in the plan of operations against South America."

So there was a "plan of operations against South America." Burr, however, disparaged Miranda's character, declaring that he possessed neither discretion nor talents. But if either Miranda or Burr thought England disposed to carry on an unselfish war for the independence of Spanish America they were unacquainted with the history of the Tories. The disposition of the Spanish colonies "to render themselves independent" was the controlling fear of the Ministry. The situation was clearly stated the following year in an official dispatch written upon receipt of the news of the capture of Buenos Ayres by a British force:¹

¹Windham to Beresford, September 21, 1806; MSS. British Archives.

"The great and ruling consideration which has so long restrained his Majesty from invading this part of the enemies' territories [Spanish America], has been the fear of exciting in those countries, from their known impatience of their forms of government, a spirit of insurrection and revolt leading to consequences the most fatal and which except by the presence of a very superior force, his Majesty might not have the means of controlling."

Burr never mentioned names, nor spoke in precise terms of his plans; the results of his Western tour were exhibited to Merry only in broad outlines:

"Throughout the Western country," said he, "persons of the greatest property and influence had engaged themselves to contribute very largely towards the expense of the enterprise; at New Orleans he represented the inhabitants to be so firmly resolved upon separating themselves from their union with the United States, and every way to be so completely prepared, that he was sure the revolution there would be accomplished without a drop of blood being shed, the American force in that country (should it not, as he had good reason to believe, enlist with him) not being sufficiently strong to make any opposition. It was accordingly there that the revolution would commence at the end of [March?] May¹ or the beginning of April, provided his Majesty's government should consent to lend their assistance toward it, and the answer, together with the pecuniary aid which would be wanted, arrive in time to enable him to set out the beginning of March."

Burr frequently recurred to the urgency of an early reply to his propositions, especially emphasizing the necessity of an early remittance of funds, for upon the arrival of the latter depended the march of his enterprise. He insisted that the money should be got

¹Cf. Henry Adams, iii., 230.

secretly into his hands, as he indicated in his first overtures; and suggested that he would himself devise a way to get into his possession, without its becoming known or suspected, a part of the two hundred thousand pounds which the United States were soon to pay to his Majesty's Government. In the end, failing in the first plan, proviso was made that one hundred and ten thousand pounds, which he now asked of Pitt, should be credited in the names of John Barclay of Philadelphia and Daniel Clark of New Orleans. Burr endeavored to impress the Minister with the revolutionary state of affairs in Louisiana, bringing up again the absurd notion that the inhabitants, though descendants of French and Spanish parents, were anxious to cast off their traditional hostility to England and to embrace her in the new cause.

"Mr. Burr stated to me — what I have reason to believe to be true from the information I have received from other quarters—that when he reached Louisiana he found the inhabitants so impatient under the American government that they had actually prepared a representation of their grievances, and that it was in agitation to send deputies with it to Paris. The hope, however, of becoming completely independent, and of forming a much more beneficial connection with Great Britain, having been pointed out to them, and this having already prevailed among many of the principal people who are become his associates, they have found means to obtain a suspension of the plan of having recourse to France; but he observed that if the execution of that which he had in view should be delayed beyond the time he had mentioned the opportunity would be lost; and France would, as he knew it positively to be her wish, regain that country and annex the Floridas to it."

A more convincing presentation of the case could

not have been made; but the English Cabinet had cause to know that it was groundless—France was not then playing for such stakes. Burr, however, was ignorant of the situation of affairs in Europe and continued to press the argument, which had always been so potent, of the danger from French interference. Merry believed the whole of the story, even to Burr's forecast of the dissolution of the Republic.

“He observed, what I readily conceive may happen, that when once Louisiana and the Western country became independent, the Eastern States will separate themselves immediately from the Southern; and that thus the immense power which is now risen up with so much rapidity in the western hemisphere will, by such a division, be rendered at once formidable; and that no moment could be so proper for the undertaking in question and particularly for Great Britain to take part in it as the present, when she has the command of the ocean and France is prevented from showing that interference in the business which she would otherwise certainly exercise.”

Merry, while recommending the “practicability and great utility” of the project, thought that “his Majesty may have already been disposed to take part in the affair.” Thus completely had the Minister been blinded. Burr, however, realized that the winning over of the British Cabinet was quite another matter. Indeed it appeared from the unbroken silence almost hopeless. So he turned to other quarters, still with a view to obtaining the moneys he calculated necessary for his purposes. While in Washington he was cordially received at the White House. Yrujo said that Jefferson both penetrated and feared him. Before leav-

ing the Capital the ex-Vice-President wrote Blennerhassett concerning his plans. December 21st the latter replied:

"I hope, sir, you will not regard it indelicate in me to observe to you how highly I should be honored in being associated with you, in any contemplated enterprise you would permit me to participate in. . . . Viewing the probability of a rupture with Spain, the claim for action the country will make upon your talents, in the event of an engagement against, or subjugation of, any of the Spanish territories, I am disposed, in the confidential spirit of this letter, to offer you my friends' and my own services to coöperate in any contemplated measures in which you may embark."¹

To this flattering note Burr sent in reply an explicit definition of the nature of his undertaking:²

"I had projected, and still meditate, a speculation precisely of the character you have described. . . . The business, however, depends, in some degree, on contingencies not within my control, and will not be commenced before December or January, if ever. . . . But I must insist that these intimations be not permitted to interrupt the prosecution of any plans which you have formed for yourself—no occupation which shall not take you off the continent can interfere with that which I propose. . . . We shall have no war unless we should be actually invaded."

Burr's revelations to Blennerhassett left no doubt as to the object in view. The contingencies upon which the movement turned were a Spanish war or the receipt of pecuniary assistance either from Merry or Yrujo, or

¹Blennerhassett to Burr, *Blennerhassett Papers*, p. 116.

²Burr to Blennerhassett, April 15, 1806; *Blennerhassett Papers*, p. 119.

other source. The single idea of the two notes, that of the conquest of Spanish regions, fired young and old alike; it was therefore not surprising to find characters so divergent as Blennerhassett, Andrew Jackson, Clark, Wilkinson and General Presley Neville anxious to participate in whatever fortune should be allotted to the fascinating undertaking. All the while, too, Burr had the satisfaction of witnessing the increasing difficulties of the Government in its attempt to stem the flood of indignation against Spain. The Administration was severely criticized for its tardiness in taking up the gauntlet which Cevallos, as spokesman for the King, had cast at the feet of our Ministers. Said a plain-spoken editor of the *Political and Commercial Register*:

“What is the situation of our governmental character with foreign powers? The United States, so lately the wonder and admiration of the world, are fallen so low, that even the Spaniard prowls on our defenseless merchantmen, and loudly proclaims the pusillanimity of our leader. What is the policy of the present Cabinet? Why do they conceal their measures and the information they possess from the people who raised them to authority? Why veil from the public eye the treatment of our Ministers at the court of Madrid? Do they fear that the people themselves will demand vengeance against the aggressors?”¹

The *United States Gazette* observed that “we are to depend for our safety, for the enjoyment of our rights, not upon the wisdom and vigor of our Administration, nor upon the strength, nor the resources of our country, but upon the clemency and forbearance of

¹*Orleans Gazette*, September 27, 1805.

other nations.”¹ From one end of the Republic to the other the Government was decried for its attitude, whether it endeavored to conceal evidences of Spanish meanness, or tried to steer clear of the breakers of war. The President sought to ease matters by purchasing the Floridas. Though we claimed West Florida under the treaty for the sale of Louisiana, and had even passed a law regulating the collection of customs at Mobile, Jefferson thought the easiest way out of the embroglio was to pay out. But his plan encountered opposition in Congress. John Randolph, the one towering figure in the House, strenuously opposed it; and sharply arraigned the President for having a “double set of opinions and principles—the one ostensible, the other real.” In the first case he appeared in his Message of December 3, 1805, to favor vigorous measures against Spain; in the second, three days later, he secretly appealed to Congress to appropriate moneys for the purchase of lands, a part of which he had professed to believe already ours. In the midst of the discussion, January 3d, Randolph laid before the Representatives a spirited, warlike report based on the Message of December 3d. The closing resolution read that the Southern frontier was to be protected “from Spanish inroad and insult.” Indeed it went further: measures were to be resorted to which meant, beyond peradventure, conflict with Spain. By plying the party lash Jefferson succeeded in having Randolph’s Resolution buried under a bill which carried with it \$2,000,000 for the purchase of the Floridas. The President had

¹*Orleans Gazette*, November 22, 1805.

carried his point, but the report of such a bill provoked more than partisan rebuke throughout the Union.

“There was a happy moment,” ran a paragraph in the *Orleans Gazette*,¹ “when the government of the United States, with every plea of justice and necessity on its side, might, at a blow, have expelled the Spaniards from our shores. It required nothing but the sanction of authority, and the generous spirit of the nation, which had left far behind the nerveless soul of the Government, would have performed the business even without a reward. . . . If the wise counsels of Federal men had been listened to, we should in the twinkling of an eye, as it were, have the rightful possession of those territories, which form a natural and very important appendage of our own.”

Editor Bradford of the *Orleans Gazette* was an undisguised revolutionist, and had admitted to his columns, at the time of Burr’s first visit to the West, an article which might have been copied in part from the annals of the French Revolution:²—

“By a war she [Spain] would have everything to lose, and nothing to win. . . . To the east the Floridas would fall into our hands without opposition, and to the southwest, New Mexico, with all its wealth, opposes no obstacle to invasion. . . . This conquest would give us the key to the southern continent; and the soldiers of Liberty, animated by the spirit of ’76 and the genius of their Washington, would go to the field, not with a hope of plunder, but to avenge the cause of their country, and to give freedom to a new world. The innocent blood of the natives, which was so lavishly spilt by the merciless Cortez and Pizarro, yet calls aloud for vengeance, and the descendants of Montezuma and Mango Capac, would draw the avenging sword, . . . on the first approach

¹*Orleans Gazette*, March 28, 1806.

²*Orleans Gazette*, May 24, 1805.

of an invading army. . . . Thus in eighteen months would the two continents own the dominion of laws."

Bradford did not stand alone—there were many others in the States who saw the matter as he; for the maxims of the French Revolution were still living forces. The morbid sentiment indulged over the condition of the inhabitants of the Spanish colonies is one more proof that nations are oftentimes blind to their own shortcomings. For why should charity not have begun at home in granting freedom to the negro slaves? By this it is not meant to question the sincerity of the enthusiasm of the American mind for the emancipation of the colonies of Don Carlos. On the contrary, there is every reason to believe in the honesty of the desire; but it was so intermingled with the lust for revenge against a sovereign whose territories were coveted, that the measure of its intensity is lost.

Favorable, even flattering, the situation appeared to the leaders of the conspiracy. There were few who dreamed of the difficulties to be overcome; of the need for money and the crying want thereof; of prejudices and distempers to be combated, which were to prove fatal in the end. Perhaps only Dayton and Wilkinson were in the innermost secret, and aided in devising ways and means. Wilkinson drew from his own experience, and the intrigues with Merry and Yrujo reflect his handiwork, while he has left us convincing proof of his complicity in the enterprising design of defrauding both Spain and England. Scarcely had the conspiracy collapsed when Wilkinson confessed in a confidential dispatch to Jefferson:

"No doubt remains with me that he [Burr] has duped both the British and Spanish legations and converted them to his use, by the promise of the subversion of our Government on the one hand, and the revolutionizing of Mexico on the other."¹

The knowledge of the stratagem which was to be used with the Ministers was well employed by Wilkinson when once he had begun his denunciations, for he was also aware that the country at large was confounded by the mingling of the two sets of arguments.

Although Dayton and Burr were unpractised in the art of extracting specie from foreign coffers, they learned their lesson with so much facility that it was clear James Wilkinson had been their instructor. December 1st, after his interviews with Merry, Burr reached Philadelphia whither Dayton had preceded him. There, December 5th, the Marquis of Caso Yrujo was secretly visited by Dayton, who was primed with an excellently prepared story which it was thought would bring Yrujo to the financial aid of the scheme. Dayton began by saying that he thought thirty or forty thousand dollars would not be an excessive sum to pay for certain events which were transpiring at London upon whose outcome hung the fate of the most precious possessions of the Spanish monarchy. Yrujo assured him that his master was liberal and would reward services. Thus encouraged the ex-Senator began by saying that he was one of three persons in this country who knew of the plot; that the Government was ig-

¹Wilkinson to Jefferson, February 13, 1807; Letters in Relation to Burr's Conspiracy; MSS. State Department Archives.

norant of it, but not less concerned than Spain. Then he continued:¹—

“Toward the close of the last session and the end of March, Colonel Burr had various secret conferences with the English minister, to whom he proposed a plan not only for taking the Floridas, but also for effecting the separation and independence of the States of the West, a part of this plan being that the Floridas shall be associated in this new federative republic; England to receive as a reward for her services a decisive preference in matters of commerce and navigation, these advantages to be secured by means of a treaty which will be made upon the recognition by England of this new republic. This plan met the approbation of the English minister, who recommended it to his court. In the meantime Colonel Burr has been in New Orleans, in the Mississippi Territory, the States of Tennessee, Kentucky, and Ohio, to sound and prepare their minds for this revolution. In all these States he found their dispositions most favorable not only for their emancipation which they evidently desire, but also for leading an expedition against the Kingdom of Mexico. This is an idea that occurred to us after sending the first plan to London; and having given greater extension to the project, Colonel Burr sent to London a dispatch with his new ideas to Colonel Williamson, an English officer who has been for a long time in this country, and whose return is expected within a month or six weeks. The first project was well received by the English Cabinet; more particularly by Mr. Dundas, or Lord Melville, who was charged with the correspondence; but as he had reason to fear dismissal from office for causes well known through the debates of Parliament, the plan has been retarded; but Mr. Pitt has again turned his attention to it. In order to effect the conquest of the Floridas and the emancipation of the Western States half a million dollars has been appropriated; the expedition on the part of England will be composed of three ships of the line and seven or eight smaller

¹Yrujo to Cevallos, December 5, 1805; MSS. Spanish Archives.

armed vessels which will bring arms, ammunition and artillery, but few men, as men were not needed."

The conspirators ~~never turned out a more palpably fictitious fabric.~~ Yet with the strength of it Dayton and Burr ~~hoped to bind Yrujo to the project; and somehow to terrify Don Carlos into paying the expenses of an enterprise against his own possessions.~~ The irony of it is fascinating. Yrujo was in a more treacherous situation than Merry. As for the latter, Burr employed his wiles to make him a catspaw to draw from the British treasury half a million dollars; while the former was to contribute funds for a secret which had been contrived to entrap him, to disguise the real object of the association, and which would have been revealed to him in any case. If an assault was really to be made on the Spanish provinces, it was but plain foresight to disarm Yrujo, or better still to leave him nursing the idea that his Sovereign was aiding in the dispersion of the Power in the Western World which menaced the integrity of his Empire.

The Marquis was assured that the Western States would declare themselves independent the moment the English squadron appeared off the coast of Florida in February or March; that in order to make the revolution more popular after having taken the Floridas the expedition against Mexico would be attempted; that Miranda had just been sent to this country by the English Government to act in concert with Burr; that no opposition from the feeble Federal Government was anticipated; that the United States troops were nearly all in the West, and that Colonel Burr had caused them to

be sounded in regard to the expedition against Mexico; that they were all ready to follow him and that there was no doubt they were also ready to support the rights of the Westerners against the impotent forces of the Federal Government. In the operations against Mexico, England would coöperate by sea; a landing would probably be made at Panuco. Dayton avowed that Burr had emissaries in the interior of the province of Texas, and that he had sent some also to Vera Cruz and other points on the coast with the moneys which he had already received from England; that he meant to convert into a republic or republics the Spanish provinces which should be conquered or revolutionized.

Yrujo observed to Cevallos that the acquisition of Louisiana had rendered inevitable the separation of the West from the Union within the space of two years, and that the Floridas would succumb to the revolution. He was confident, however, that the Administration would not be deceived by the wiles of Burr. Yrujo's distrust of Dayton, whom he recognized as Burr's spokesman, was great. He saw at once that England had not encouraged the affair to the extent of a hundred thousand pounds, for, had she done so, Dayton would not have come to him, as he said to Cevallos, the alert Minister of State, to play the part of the "faithful thief, relating a secret, which, for many reasons, he was interested in concealing from him." Thus the main end sought had been accomplished—Yrujo no longer credited the prevailing rumors that Mexico was the objective point, for, had it been so, the conspirators would not have been guilty of the folly of making a

clean breast of it. However, partially successful though ~~they~~ had been, Burr and the ex-Senator feared they had gone too far; so, when the latter returned to Philadelphia from a fortnight in Washington he was prepared to unfold another story fantastic and absurd in the highest degree. But this time, singularly enough, Yrujo was completely taken in.

After referring to Burr's resolve to have nothing to do with Miranda, whom he thought wanting in many qualities necessary to lead a great enterprise, Dayton made bold to say that the English end of the intrigue had met with reverses, hinting that negotiations in that quarter were abandoned; whereas we know the hopes of the conspirators in British aid were still high. Burr had been on the eve of dispatching to London an intimate by the name of Wharton, continued Dayton, to renew the negotiations, when another plan had suggested itself:¹—

“This project, excepting the attack on the Floridas, he [Burr] thinks, as well as his chief friends, may be put in execution without foreign aid. For one who does not know the country, its Constitution, and, above all certain localities, this plan would appear insane; but I confess, for my part, that in view of all the circumstances it seems easy of execution, although it would irritate the Atlantic States, especially those called central—namely, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York. It is indisputable that there is in this country an infinite number of adventurers, without property, full of ambition, and ready to unite at once under the standard of a revolution which promises to better their situation. It is almost certain that Burr and his friends, without disclosing their true object, have won the good will of these

¹Yrujo to Cevallos, January 1, 1806; MSS. Spanish Archives.

men and inspired them with the greatest confidence in favor of Burr, whose intrigues during the past year were devoted to the fanning of the flames of discord against the existing government in Louisiana and the Western States which he visited."

Burr's "new idea," which ~~Yrujo thought would~~ "probably be carried into effect," was to introduce by degrees into the Federal city and its environs a certain number of his desperate followers, well armed, who, at a signal, with Burr at their head would surprise at the same instant the President, the Vice-President, and the President of the Senate. Burr would then dissolve the existing government, possess himself of the public money deposited in the Washington and Georgetown banks and seize the arsenal on the Eastern Branch. Profiting by the consternation such a blow would produce, the conspirators would try to make favorable terms with the States; but should they fail to maintain themselves at Washington, which seemed probable, they would burn the national vessels at the Navy Yards, except two or three frigates which were ready for sea, and embarking on these with the treasure, they would sail for New Orleans, where upon their arrival they would proclaim the independence of Louisiana and the West.¹

It would be as easy to believe in the truthfulness of one of Baron Münchausen's tales as that Burr seriously contemplated so utterly harebrained an enterprise as Dayton now revealed to the Marquis. If it had not already appeared indisputable that Yrujo was to be

¹Adams (iii., 239), McMaster (iii., 62), and others think that Burr actually meditated such a *coup d'état*.

deceived for a double purpose, it would be legitimate to inquire into Burr's sanity. That such a high-handed, buccaneering plot had the shadow of a chance to reach maturity could not have been believed by any one acquainted with American character, or the actual situation of affairs. And yet Yrujo thought it certain of success, observing to Cevallos that "Spain would view with extreme satisfaction the dismemberment of the colossal power which was growing up at the very gates of her most precious and important colonies." The great difficulty to be surmounted in the execution of this momentous project was "the acquisition of half a million or a million dollars which the principals calculated would be necessary to expend for provisions, arms, pay for men," et cetera. The solution was easy—Burr had offered to sell his services to Spain, and Yrujo intimated that the King ought to come to his aid, for the following reasons:

"At a second conference with this subject [Dayton] he told me that Burr had authorized him to say that in this second project, which was the one determined upon, Spain had nothing to fear for her possessions; that on the contrary he counted on her friendship because of her obvious interest in the success of the enterprise; that the matter of the Louisiana boundary would be arranged to our entire satisfaction; . . . that the Floridas would be undisturbed, not only out of respect for Spain, but because his political interest demanded that a foreign nation should hold possessions both in the Atlantic States and those of the West."

For the moment Burr's success with Yrujo was as complete as it had been with Merry—and he had every cause to hope that he would yet receive financial succor

which would enable him to purchase ships, arms, and necessities for the equipment of his expedition. So much was he encouraged with the situation that he wrote to Wilkinson, December 12th:

"About the last of October our cabinet was seriously disposed for war with the Spaniards; but more recent accounts of the increasing and alarming aggressions and annoyance of the British, and some courteous words from the French, have banished every such intention. In case of such warfare, Lee would have been commander-in-chief: truth I assure you: he must you know come from Virginia. . . . On the subject of a certain speculation, it is not deemed material to write till the whole can be communicated. The circumstance referred to in a letter from Ohio remains in suspense: the auspices, however, are favorable, and it is believed that Wilkinson will give audience to a delegation composed of Adair and Dayton in February. Can 25—— be had in your vicinity to move at some few hours' notification?"¹

Burr regretted the peaceful course of Government—the non-materialization of the Spanish War; and his characterization of the political status was eminently correct. Concerning a certain speculation—doubtless the intrigues with the Spanish and British ministers—he could only give Wilkinson hope. The reference to Adair and Dayton and the question as to the number of men which could be had were intelligible only to the General.

While waiting for replies to the representations which had been made by Merry and Yrujo to their respective Governments, Burr continued to enlarge the circle of his associates. During the early months of

¹Burr to Wilkinson, December 12, 1806; Wilkinson's *Memoirs*, ii., Ap. lxxxiv.

1806 he approached Commodore Truxton with the proposition that he should command the naval arm of an expedition against Mexico; and to William Eaton, who was engaged in pressing before Congress a very doubtful claim to certain pecuniary restitutions, he laid bare not only the first plan, but also that which had so taken Yrujo: "He would turn Congress neck and heels out of doors, assassinate the President (or what amounted to that), and declare himself the protector of an energetic Government." Believing in these horribly criminal designs of the ex-Vice-President, some time in March Eaton called on the President and suggested that "Colonel Burr ought to be removed from the country" because he was dangerous in it. Either the post at Madrid or London was considered by Eaton a secure place for the exile of Mr. Burr. If anything could give rise to a suspicion of this informant's integrity, it is this conversation with Jefferson. It was in March, too, that Burr applied in person to the President for an appointment, which fact Jefferson notes in his "Anas" under date of April 15th. This coincident provokes the suspicion that Burr had bribed Eaton to prepare the ground for his personal application for a foreign appointment. Why were Madrid and London specified? Could Burr have planned to undertake at shorter range the intrigues which were then progressing with those courts? It was either that or a ruse, for Burr must have known in advance what Jefferson's reply would be. 'He had lost the confidence of the country, and could not be appointed,' were the President's words.

In the middle of April, Burr wrote Blennerhassett that the business, which depended on contingencies beyond his control, would not begin until December or January, if ever.¹ To Wilkinson he said:

"The execution of our project is postponed till December: want of water in Ohio, rendered movement impracticable: other reasons rendered delay expedient. The association is enlarged, and comprises all that Wilkinson could wish. Confidence limited to a few. . . . Burr wrote you a long letter last December, replying to a short one deemed very silly. Nothing has been heard from Brigadier since October. Is Cusion et Portes right? Address Burr at Washington."²

"Cusion and Portes" were officers on the frontier, Wilkinson the "Brigadier" confessed; but Burr's object was not so much to find out whether they were "right" as to impress the general with the fact that the association was enlarged and comprised all that he could wish. "Want of water in Ohio" was a clever way of saying that thus far he had failed in his purpose with Merry and Yrujo.

While these things were occurring in the East the news of warlike preparations in Kentucky was making its way across Texas and the deserts of North Mexico to Captain-General Salcedo at Chihuahua. Early in 1806 Antonio Cordero, Governor of the Province of Texas, had received notice that an expedition was being prepared in Kentucky which was to overrun the provinces of Mexico. This news had reached the Governor, not through the instrumentality of Yrujo, but

¹*Blennerhassett Papers*, p. 118.

²Burr to Wilkinson, April 16, 1806; *Memoirs*, ii., Ap. lxxxiii.

directly from the Spanish agents in Louisiana. The report was alarming.

"It is a very grave matter," responded Salcedo, April 9th,¹ "the information which your excellency has received and transmitted to me—that some ten thousand men, subjects of the United States, are being prepared in Kentucky (*Quintoq*), with the object of overpowering the uninhabited provinces of this kingdom and our Indian allies, with no respect for the boundaries of Louisiana. You will therefore take extraordinary precautions toward putting the country in a good state of defense by bringing up all the auxiliaries."

The obnoxious Intendant Morales who had aroused hot indignation in the United States by closing the port of New Orleans, wrote from Pensacola to Viceroy Iturrigaray, "There exists in New Orleans a strong party whose object it is to revolutionize the Kingdom of Mexico, and the conditions on the frontier are entirely favorable to such a design." He stated also that he had been reliably informed that the revolution was to be materially abetted by means of emissaries and papers which were to be circulated throughout the country. Many ecclesiastics were in the plot, and many subjects were already won over.²

Again from the frontier came the note of alarm. Francisco Viana, Inspector-General of the troops in Texas, from his headquarters at Nacogdoches dispatched to Cordero this message:³—

"The rumor grows that the American forces are

¹Salcedo to Cordero, April 9, 1806; MSS. Bexar Archives.

²Morales to Iturrigaray, May 12, 1806; MSS. Bexar Archives.

³Viana to Cordero, June 3, 1806; MSS. Bexar Archives.

gathering in Kentucky, and that our unpeopled lands, neophytes, and vassal Indians are to fall into their hands. And I have neither munitions, arms, provisions, nor soldiers wherewith to uphold our authority. I have despatched a corporal, a trader, and four soldiers to the Tejas Indians, asking that they arm as many as possible and come to my assistance."

The truth was, New Spain was in a wretched condition, and Morales was clear-headed when he avowed that the situation was all the Americans could desire. But the most startling note in this correspondence was the unconscious revelation of the vital purpose of the enterprise.

The disingenuous disclosures of Dayton had thus far produced only in part the desired effect. True, Yrujo had been thrown off his guard, but Cevallos had not been constrained to make the expected advances. New tactics were therefore devised, and Burr himself visited the Marquis in the final hope of obtaining funds and of leaving the minister in a helpless state of incertitude.

"The principal has opened himself to me," wrote Yrujo to Cevallos, May 14, 1806;¹ "and his communications have confirmed me in the idea not only of the possibility, but of the facility of the execution of the project under certain circumstances—to effect which pecuniary aid on our part and on that of France is wanted. I have been very circumspect in my answers and have not compromised myself in any way; and when I return to Spain next spring I shall be the bearer of all the plan with the details which may be wanted. There will also arrive in Spain, more or less simultaneously with me, though by different ways, two or three very respectable persons,

¹Yrujo to Cevallos, May 14, 1806; MSS. Spanish Archives.

both from Louisiana and from Kentucky and Tennessee, with the same object. They all consider the interests of those countries united and in conformity with those of Spain and France; but the principal, or more correctly the principals, here do not wish to open themselves to the Emperor Napoleon's minister [Turreau], as they have no confidence in him. Consequently, it will be proper either not to communicate the matter at all to that Government, or to do it with the request that its representative here remain uninformed; for I repeat, they have no confidence in him, and this has been a condition imposed on me in the communications I have received."

If Bollman's report to Madison and Jefferson concerning Burr's designs can be credited, Burr had divined Napoleon's project of absorbing not only Spain but also her American possessions, and hoped to gain for himself a slice of the crumbling empire.¹ It was therefore but a part of wisdom to leave Napoleon, who was rising toward the zenith of his career, ignorant of any revolutionary scheme which threatened even remotely to cross his own astounding plans. The precaution had been taken to ignore Turreau, but he knew nevertheless, through the press, which never ceased its speculations, of Burr's supposed enterprise for the separation of the States, and wrote his home Government concerning it. Mentioning Miranda's departure, he continued:²—

"The project of effecting a separation between the Western and Atlantic States marches abreast with this one. Burr, though displeased at first by the arrival of Miranda, who might reduce him to a secondary *rôle*, has set off again for the South, after having had several

¹Madison's *Writings*, ii., 393.

²Adams's *History of the United States*, iii., 226.

conferences with the British minister. . . . This division of the confederated States appears to me inevitable, and perhaps less remote than is commonly supposed; but would this event, which England seems to favor, be really contrary to the interests of France?"

Turreau thought the Government ignorant of Burr's intentions; and yet Yrujo in a letter of the same date, February 13th, remarked, "It seems that the Government have penetrated the project of Colonel Burr, and in reality I am apprehensive lest the French minister fearing it prejudicial to his country has informed them."¹ It is amazing that such a perplexing confusion in political affairs could have existed.

Having failed in his personal effort to draw from the Spanish minister a pecuniary response, Burr tried a last resort—he threatened Yrujo with abandoning his favorable attitude toward Spain and with taking up again the web of his English intrigue, whose entangling meshes involved the Floridas and Mexico. June 9th, Yrujo in some uneasiness wrote Cevallos on the subject. Burr had suddenly ceased to visit him, and Dayton explained that this was due to the fact that the new Government in England was anxious to undertake the matter, and that Burr believed it would be more liberal with money advances as well as offer better means of protection. Dayton said that Burr was drawing up supplementary instructions for Williamson, and that Bollman would sail within ten days for London to lay new propositions before the Ministry, and to invite coöperation in an attack on the Floridas. Dayton,

¹Yrujo to Cevallos, February 13, 1806; MSS. Spanish Archives.

still the "faithful thief," informed Yrujo that he had protested to Burr against his unprincipled ambition, and would oppose the attack on the Spanish possessions, which he deemed unjust and impolitic, in the Cabinet council which certain chiefs were to hold in New Orleans in the month of December, proximo. The ex-Senator suggested that the best way to banish such ideas from the heads of the leaders was to reënforce Pensacola and Mobile.

While Yrujo believed to the last that the main design of the associates was the division of the Union, he had warned the officials in the Spanish provinces to be on the alert against surprise. He had, moreover, given Dayton encouragement in the substantial form of fifteen hundred dollars, and in soliciting for him from the King one thousand more along with a pension of fifteen hundred a year.¹ The pension was denied, but the Minister was licensed to pay Dayton, who had indeed demanded much larger sums, another thousand dollars. That was as far as Cevallos was disposed to go. He saw instantly that England had not espoused the cause of Burr, for at the moment Napoleon was free from Continental dangers and England was making preparations for the defense of her own shores. Cevallos further hinted that Dayton had a greater interest in "selling" the secret than in keeping it,² but in a later communication intimated to Yrujo that if the United States were determined to war with Spain some use might be made of the malcontents. The

¹Yrujo to Cevallos, February 13, 1806; MSS. Spanish Archives.

²Cevallos to Yrujo, February 3, 1806; MSS. Spanish Archives.

minister, however, was warned against committing himself or contributing money,¹ and finally in July a few positive lines declared that his Majesty did not wish to protect the designs of Burr.² Interested as Cevallos and Godoy were by Yrujo's dispatches, they scented danger in the obviously deceitful intrigue. The truth was, Spain had her hands already full, and it would have been fatuous for her to have become involved in an adventure in the wilds of America which might have led to further reprisals.

On the side of Great Britain a worse outcome attended the endeavors of the conspirators. For almost two years Burr had maintained relations with Merry, but at the end he had only his good wishes—not one of the cabinets had even so much as deigned to reply to his solicitations. And to close this phase of Burr's consummate intrigue, Merry was recalled by Charles James Fox, Chief in the "Ministry of all the Talents," who sent out in his place David Montague Erskine. In one of the last dispatches of Merry, dated November 2, 1806, he related the incidents of his parting interview with Burr:³—

"I saw this gentleman [Burr] for the last time at this place [Washington] in the month of June last, when he made particular inquiry whether I had received any answer from my Government to the propositions he had requested me to transmit to them, and lamented exceedingly that I had not, because he, and the persons connected with him at New Orleans, would now, though

¹Cevallos to Yrujo, March 28, 1806; MSS. Spanish Archives.

²Cevallos to Yrujo, July 12, 1806; MSS. Spanish Archives.

³Merry to C. J. Fox, November 2, 1806; MSS. British Archives.

very reluctantly, be under the necessity of addressing themselves to the French and Spanish governments. He added, however, that the disposition of the inhabitants of the Western country, and particularly Louisiana, to separate themselves from the American Union was so strong that the attempt might be made with every prospect of success without any foreign assistance whatever; and his last words to me were that, with or without such support, it certainly would be made very shortly. From these and other circumstances I have little or no doubt of this enterprise being upon the point of execution. From a circumstantial statement of the letter to which I have alluded in my other dispatch, of a large sum of money having arrived in the Western country from New Orleans, it may be inferred, that offers have been made to France and Spain, and that they are lending their assistance to the undertaking. There seems also reason to suspect that the arrival of so large a body of Spanish troops and the force which is expected added to the present state of inactivity may well be connected with the object."

Merry marveled that the Government should have remained "so long in ignorance of the intended design." It was equally marvelous that after his long acquaintance with Burr he should have thought him acting in concert with France and Spain. The truth was that Merry with all his information was more ignorant of what was actually brewing than Jefferson; and it would have been far more ingenuous to have confessed that he was now satisfied that Burr, from his conflicting stories, was untrustworthy, and that his object was involved in mystery. But Merry never awakened to the fact that the deception practiced on him had been complete.

Disastrous as his intrigues had proved in the East

Burr was nothing daunted, and set about raising funds from various individuals, among others Blennerhassett, Smith and Ogden of Miranda fame, and his own son-in-law, Joseph Alston of South Carolina, rich in slaves and plantations. In this way it was hoped enough might be collected to start the expedition, and for the rest, the spoils of the territories of Spain would make provision.

CHAPTER IV.

Plans and Preparations



WHEN the summer of 1806 was well under way it was plain to Burr that his hope of deluding England into advancing money for his project must be abandoned; likewise the failure of the imposture tried on Yrujo no longer admitted of doubt. The only ray of consolation came from the far West where the Spaniards were reported to be encroaching on American soil. The cry of war again rang through the country; and it soon became known that specific orders had been sent to General Wilkinson to drive the enemy beyond the Sabine at any cost—and that meant the beginning of the long-delayed struggle! The match for igniting the conflict was in the hands of General Wilkinson—would he apply it? Both Dayton and Burr were doubtful. Whether he would continue his part or desert it depended wholly on circumstances. They knew he would act for what appeared to be his own advantage, regardless of affiliations or oaths, regardless of traditions or friendships. They had from their intimate association with him learned his weaknesses, and it was only by pandering to them that they hoped to retain his allegiance. He had written rarely, had raised objections, and had made conditions which were seemingly hard to overcome. He had sent a letter to Burr in October, 1805, which was “deemed very silly”; and finally another dated May

13th which Burr alleged that he destroyed at Wilkinson's request. The General was at the moment dispatching troops to the Sabine frontier and expecting to be ordered thither himself. That he would there precipitate—legitimately or otherwise—the conflict was the anxious hope of the leading conspirators, who now proceeded to alarm him for his office, which the President was on the verge of assigning to another, and to beguile him with fictions as to the means and assistance which were expected. All the false batteries of Burr and Dayton were trained on Wilkinson's position. Flagrant as the procedure was, they had gone too far to retreat. To the General Dayton wrote briefly, and his nephew, Peter V. Ogden, was intrusted with the letter, which was dated July 24th:

“It is now well ascertained that you are to be displaced in next session. Jefferson will affect to yield reluctantly to the public sentiment, but yield he will. Prepare yourself, therefore, for it. You know the rest. You are not a man to despair, or even despond, especially when such prospects offer in another quarter. Are you ready? Are your numerous associates ready? Wealth and glory! Louisiana and Mexico! I shall have time to receive a letter from you before I set out for Ohio—OHIO.”

With Ogden went Samuel Swartwout, the younger brother of Robert, marshal of New York, who bore a letter from Burr to Wilkinson, which is celebrated as being the key to the conspiracy. Its date was July 29th. The original version of it will never be known, as it was altered and deciphered in various ways by Wilkinson, who, four months after its receipt, audaciously said to Jefferson, “I have not yet taken time to

render [it] to my satisfaction.”¹ Such an admission was rendered more astonishing by his subsequent false swearing concerning it at Richmond. The famous document, as it is generally accepted, reads as follows:—

“Your letter, postmarked thirteenth May, is received. At length I have obtained funds, and have actually commenced. The Eastern detachments, from different points and under different pretences, will rendezvous on the Ohio first of November. Everything internal and external favors our views. Naval protection of England is secured. Truxton is going to Jamaica to arrange with the admiral on that station. It will meet us at the Mississippi. England, a navy of the United States, are ready to join, and final orders are given to my friends and followers. It will be a host of choice spirits. Wilkinson shall be second to Burr only; Wilkinson shall dictate the rank and promotion of his officers. Burr will proceed westward first August, never to return. With him goes his daughter; her husband will follow in October, with a corps of worthies. Send forthwith an intelligent and confidential friend with whom Burr may confer; he shall return immediately with further interesting details; this is essential to concert and harmony of movement. Send a list of all persons known to Wilkinson west of the mountains who could be useful, with a note delineating their characters. By your messenger send me four or five commissions of your officers, which you can borrow under any pretence you please; they shall be returned faithfully. Already are orders given to the contractor to forward six months’ provisions to points Wilkinson may name; this shall not be used until the last moment, and then under proper injunctions. Our object, my dear friend, is brought to a point so long desired. Burr guarantees the result with his life and honor, with the lives and honor and the fortunes of hundreds, the best blood of our country. Burr’s plan of operation is to move down

¹Wilkinson to Jefferson, Feb. 17, 1807; Letters in Relation.

rapidly from the Falls, on the fifteenth of November, with the first five hundred or a thousand men, in light boats now constructing for that purpose; to be at Natchez between the fifth and fifteenth of December, there to meet you; there to determine whether it will be expedient in the first instance to seize on or pass by Baton Rouge. On receipt of this send Burr an answer. Draw on Burr for all expenses, etc. The people of the country to which we are going are prepared to receive us; their agents, now with Burr, say that if we will protect their religion, and will not subject them to a foreign Power, that in three weeks all will be settled. The gods invite us to glory and fortune; it remains to be seen whether we deserve the boon. The bearer of this goes express to you. He is a man of inviolable honor and perfect discretion, formed to execute rather than project, capable of relating facts with fidelity, and incapable of relating them otherwise; he is thoroughly informed of the plans and intentions of Burr, and will disclose to you as far as you require, and no further. He has imbibed a reverence for your character, and may be embarrassed in your presence; put him at ease, and he will satisfy you."

This letter has been grossly misinterpreted. With all Burr's misrepresentations there is not the faintest hint that New Orleans was to be sacrificed; no allusion to a convention which was to be called for the purpose of declaring the independence of the Western States—a point which had borne great weight in the Spanish and English intrigues;—but we are told plainly that an attack was to be made on the Spanish possessions, possibly beginning with West Florida at Baton Rouge. If policy dictated, which Wilkinson was to decide, that Baton Rouge should remain unmolested, they would pass on—and to no other place than Mexico. "The people of the country to which we are going are prepared to receive us; their agents, now with Burr, say

that if we will protect their religion, and will not subject them to a foreign power, that in three weeks all will be settled." There had been Spanish agents with Burr, and one Fernandez had contracted in Philadelphia for a quantity of type destined for Mexico and cast for the Spanish language.¹ And we shall see that there were other Mexicans interested in the cause. It was only in the matter of his resources that Burr attempted deception.

Toward the end of July, Ogden and Swartwout started on their journey. A little later Bollman sailed for New Orleans bearing a duplicate of Burr's letter to Wilkinson, which the General received in due season. The first week in August, Burr—accompanied by his daughter, a Colonel De Pestre, who had suffered in the French Revolution, and who now lived in New Jersey, and a few friends and servants—followed Ogden and Swartwout over the Alleghanies. While stopping in Pittsburg, August 22d, Burr and De Pestre visited Colonel George Morgan, who resided near Cannonsburg, fifteen miles distant; there, during the progress of the dinner, Burr talked volubly. The Morgans afterwards testified that he observed that with two hundred men the President and Congress could be driven into the Potomac; that with five hundred New York City might be taken; and also, they admitted, averred in a jocular way that a "separation of the States must ensue as a natural consequence in four or five years."²

¹Duane to Jefferson, December 8, 1806; Jefferson MSS.

²Carpenter's *Trial of Burr*, i., 497.

Apart from the utter nonsense of the first two propositions—which no sane man could have seriously uttered—a natural separation of the States in the course of time was not in harmony with Burr's precipitate measures. When Burr had gone, Colonel Morgan invited the Chief-Justice of Pennsylvania, Presley Neville, and Samuel Roberts to hear his account of the meeting with the ex-Vice-President. The two latter wrote conjointly to Madison that "To give a correct written statement of these conversations would perhaps be as unnecessary as it would be difficult. . . . Indeed, according to our informants, much more was to be calculated from the *manner* in which things were said, and hints given, than from the words used." While predicting the separation of the States in the course of four or five years, Burr also spoke of a wide field about to be opened for talented and military men.¹ The Morgans forgot to relate this fact at Richmond.² Moreover, George Morgan, in a letter to the President in January, 1807, after referring to the incident of the above meeting in which "I and my sons had opened to them [Neville and Roberts] our opinions of Colonel

¹Neville and Roberts to Madison, October 7, 1806; Letters in Relation.

²The Morgans went out of their way to show the President that they were his humble servants. When the trial was over at Richmond they returned through Washington and left a note at the White House: "The three Morgans of Morganza have, from respect for Mr. Jefferson, called at his residence although knowing him to be from the city." It may be interesting to note that this family had once attempted to found a colony at New Madrid, a site opposite the mouth of the Ohio, under the ægis of the Spanish Crown; and had been vainly pressing before Congress since 1784 a claim to lands in Indiana, said to have been bought of the Indians. (*Journal of Congress*, iv., 341.) Was it possible they had seized this opportunity to curry favor with Jefferson?

Burr's views,"¹ questioned the patriotism of Neville, soldier of the Revolution and leader of the forces sent by President Washington to quell the Pennsylvania riots. Neville had established a rendezvous for the "genteelly disaffected." Morgan likewise noted that it was said a former aide of his was frequently there; and that—

"a Mr. Spence or Spencer, of the American navy, has lately been with him [Neville], and declared the disaffection of every officer in it. Being too far advanced in life to take an active part in these inquiries, I leave them to my sons; who, I am happy to say, have imbibed the principles of their father and of Thomas Jefferson from the commencement of our revolutionary war to the present day."

Leaving Pittsburg, Burr and party continued to Belpré, and at the appointed time set foot on the island in the Ohio, where a most enthusiastic reception was tendered them. Blennerhassett, who had devoted his life to science and music, had been at last called into action by his failing fortune and maturing family. He had, apart from his island property, about thirty thousand dollars invested; but from this he derived so little income that he was always pressed for money. He was eager to reestablish himself by some bold stroke of speculation. Such an opportunity Burr at once presented in the purchase of the Washita lands, a Spanish grant to Baron Bastrop, in the heart of Louisiana—areas in time to be worth their millions. Moreover, beyond this positive investment was another and greater possibility. In the contingency of a war with Spain,

¹Morgan to Jefferson, January 19, 1807; Letters in Relation.

which was deemed inevitable, from the position they should occupy on the frontier, the route was open to the wealth and empire of Mexico. Blennerhassett was captivated, borne away with the promise of things. Preparations were begun without delay; the last days of August found Burr and his associate in Marietta, where they purchased, through the firm of Dudley Woodbridge & Company, one hundred barrels of pork and let the contract to Colonel Barker—whose establishment was seven miles above the town on the Muskingum—for fifteen boats to be delivered the ninth of December. This fact alone explodes the oft-repeated statement that Burr planned to move down the Ohio by November 15th.¹

During one of these visits to Marietta, early in September, Blennerhassett showed Woodbridge a map of Mexico, "stating its advantages, wealth, fertility, and healthiness," and asked him to join the expedition. Woodbridge inferred from this, he said at the trial,² that the enterprise was aimed at Mexico. Blennerhassett in his prison at Richmond, when told of this evidence, set down in his Journal, "He has not yet told all the truth—having suppressed my communication to him of our designs being unequivocally against Mexico."

The island became forthwith the center of multifarious activities. A kiln was erected for drying corn, which was ground into meal and made ready for shipment; goods were purchased; and the effects of the

¹Cf. Adams, iii., 268.

²Carpenter's *Trial*, i., 518.

household were packed in preparation for removal, for Mrs. Blennerhassett and the two sons were also going. Blennerhassett, in his enthusiasm, talked much of the expedition which was to make them all rich; and shortly there were many as enthusiastic as Blennerhassett himself.

"A number of young men," said a correspondent of Pittsburg, "inhabitants of this town, amounting to seven, have set out with an intention to join Colonel Burr in his expedition against Mexico, among whom is Morgan Neville, son of General Presley Neville, and it is said, with the knowledge and consent of his father. . . . Also Thomas Butler, son of the late Colonel Butler; Mr. Forward, printer and editor of the *Tree of Liberty*, and publisher of the United States laws by authority, after having made preparations was prevented from going by sickness. . . . General Neville has used his influence to promote it. Wilkins and his sons warmly advocated it."¹

To this paragraph the editor of the *National Intelligencer* appended the following comment:

"From the above letter it would seem that some of the first characters in Pittsburg are implicated in the Burr conspiracy. But we cannot believe that they would ever engage in a treasonable plot against their country. Colonel Neville was a conspicuous character in our Revolutionary War—he was an aide to the Marquis de La Fayette and in every situation in which he was placed has discharged his trust with fidelity to his country and honor to himself. . . . Yet the sons of those men are said to be concerned, and that too with the knowledge of their fathers. If this be the case, we cannot believe any treason is contemplated. Men of tried worth and known patriotism would never tarnish their well-earned reputations and

¹*Orleans Gazette*, January 27, 1807.

risk their all in an enterprise in which they have nothing to gain, and where their lives would be jeopardized.”

Apart from the enlistment of recruits and manifold duties, Blennerhassett is credited with having contributed a series of articles to the *Ohio Gazette* setting forth the expediency of a separation of the Western from the Eastern States. By whomever written, the articles could hardly have been issued in the interest of the conspiracy. For what service was a cold, cogent piece of argumentation—whose conclusion was that in the course of years natural causes would sever the West from the rest of the Union—expected to render the project of Burr, which, from all indications, was not to undergo a period of incubation?

Meantime Burr had traveled many miles. September 4, 1806, he entered Cincinnati, and became the guest of John Smith. He remained there several days, talking much of his settlement on the Washita, of the threatening war, and of the expedition to Mexico. The intriguer next crossed the Ohio to Lexington, and then passed into Tennessee, stopping again with Andrew Jackson. The approaching Spanish war was on every tongue. Parton says, “Every militiaman in the West was furbishing his accoutrements and awaiting the summons to the field.” At a public dinner given Burr in Nashville, September 27th, Jackson offered the old toast: “Millions for defense; not one cent for tribute.”

Scarcely had the ex-Vice-President reached Lexington on his return when Jackson’s proclamation of October 4th to the Tennessee militia appeared in print.

He stated that the menacing attitude of the Spanish forces "already encamped within the limits of our Government" required that the militia should be ready for instant duty. He recited that the enemy had captured several citizens of the United States; had cut down our flag in the Caddo nation; had compelled a party in the employ of the Government to return from exploring the Red River; "and had taken up an unjustifiable and insulting position east of the river Sabine, in the Territory of Orleans." War was regarded as all but begun. Jackson communicated to the President his willingness to serve the country, and those who have followed his career know what that willingness meant. Jefferson replied December 3d to this first volunteer for the Spanish war:¹—

"Always a friend to peace, and believing it to promote eminently the happiness and prosperity of mankind, I am ever unwilling that it should be disturbed as long as the rights and interests of the nation can be preserved. But whenever hostile aggressions on these require a resort to war, we must meet our duty, and convince the world that we are just friends and brave enemies."

Jefferson chose still to philosophize, to remain non-committal; but to have been frank he ought to have said to Jackson that for the present all idea of war with Spain had been abandoned; that orders had gone forward to Wilkinson on the Sabine to remain absolutely on the defensive, and that he believed a truce had already been agreed upon by the contending armies.

¹Jefferson to Jackson, December 3, 1806; Jefferson MSS.

The first week in October Burr met at Lexington Blennerhassett, Theodosia Alston and her husband. They had come away from the island, leaving it in the care of Mrs. Blennerhassett. Henceforth Lexington was to be the rendezvous, and there the organization was to be perfected. The purchase of the Bastrop lands was now effected.

While Louisiana was under the Spanish flag, Baron de Bastrop had secured the grant of a tract of land, comprising about one million acres, situated in what is now North Louisiana on the Washita (*Ouachita*) River. Three-fifths of this had been obtained by Colonel Charles Lynch of Kentucky; but there were still some outstanding debts against the grant which he could not meet. At this juncture Burr contracted to take the whole under the following stipulations: "Colonel Burr was to pay Edward Livingston," testified Lynch,¹ "the amount of my purchase; he also paid me four or five thousand dollars in money, and was to take up certain paper which I valued at thirty thousand dollars more." The deeds were recorded in Lexington, and now in truth a long step forward in the programme had been made.

The possession of the Washita lands was a matter of secondary importance, and to be made use of only in case of emergency. Should the Government suspect them in their designs on Mexico, they would draw the cloak of settler about themselves; should the Spaniards drive them back, they were citizens of a Republic capable of defending them. It was above all something tan-

¹Evidence of Colonel Lynch, *Annals of Congress*, 1807-08, p. 657.

gible: to the farmer, wide bottom lands with a rich market in New Orleans; to the trader, unknown tribes of Indians; to the daring, unexplored forests; to the adventurers, a rendezvous bordering the El Dorados of the Spanish provinces, whence they might sally when occasion offered. Glittering possibilities!

Recruits were now daily added to the list, and all attempts to disguise the purpose of the associates abandoned. "The impression," says Putnam,¹ "to some extent prevailed that Burr's movement and purposes had some sanction of the general Government, and that in so far as they were directed against the crafty enemies of the Western settlements they deserved to meet with coöperation." According to Jefferson, Burr would approach men, propose his scheme, and, if they did not care to engage unless the Government approved, he would show a forged letter purporting to be from Dearborn, which countenanced the expedition, and add that because of the President's absence he had not sanctioned it.² In a letter of January 3, 1807, to Wilkinson Jefferson said that persons had been enlisted with the "express assurance that the projected enterprise was against Mexico, and secretly authorized by this Government. Many expressly enlisted in the name of the United States."³ That statement approximated the truth, if indeed it were not wholly true. Calculating on war, Burr knew the expedition would be countenanced; or, if peace ensued, Government might over-

¹Putnam's *History of Middle Tennessee*, p. 581.

²Jefferson to Hay, June 5, 1807; Jefferson MSS.

³Jefferson to Wilkinson, January 3, 1807; *Annals of Congress*, 1807-08, p. 580.

look the preparations as in the case of Miranda. Says Perkins in his *Annals of the West*, "It appears that he [Burr] meant to invade Mexico, whether war or peace ensued between Spain and the United States." Graham, the Government's agent, who followed Burr southward, also bore witness to this purpose in the people, the following interview with Burr taking place at Natchez:¹—

"I mentioned to Colonel Burr that I had heard in the Western country of a considerable number of men, perhaps two thousand, being collected for the purpose of invading Mexico. His reply was that he supposed that event was in the case of war with Spain. I told him no, that I had not understood it as depending on that condition."

Had Burr at that moment been confronted with his three maps,² left in the possession of Dr. Cummins, he would have been put to some confusion to explain upon what contingency he had calculated to lead his expedition to Mexico. There is no hushing such clamorous witnesses, and Burr must have confessed that he had counted primarily on Wilkinson and war, and finally on the silent acquiescence of the authorities. The secret of these maps in broad outline is this: that nothing less than the Empire of Spain in North America was at stake. One map shows that Empire stretching away to the Californias and to the Isthmus; the second is an admiralty chart of the Gulf coast of that country, indicating inlets, islands, and depths, which could have been of service only to a sea expedition;

¹Testimony of John Graham, *Annals of Congress*, 1807-08, p. 490.

²Consult maps in the possession of Mrs. T. C. Wordin.

the third (here reproduced) tells its tale in the detailed topographical description of the region between Vera Cruz and Mexico City! Wilkinson, Adair, Truxton, and others confessed that Vera Cruz was the objective point of the sea expedition—the maps reinforce them. Had Burr's project gone forward, the world might have been treated to a spectacle in some of its aspects recalling the story of Cortez. For was not Burr to profit by internal dissensions to conquer the land where for three centuries the Spaniards had ruled as tyrants? And were not the men he hoped to lead of that rare breed known as *adelantados* and *conquistadores*—adventurers and filibusters?

The absorbing plan of invading the Spanish possessions was to be determined by force and opportunity. The idea of penetrating the neighboring territories, of making conquests of them, was in the air of the time, and not due in the remotest sense to the influence of Burr. He strove merely for its embodiment. Though he failed, history emphatically shows that his plans were opportune, and that their wreck was due to influences he had failed properly to estimate, and chiefly to the conduct of James Wilkinson. The Spaniards believed the conspiracy to have had a continuous existence, crediting it with the revolutionizing of West Florida in 1810, and a little later with having served as the inspiration for the Gutierrez-Magee Expedition,¹ which wrought such irremediable destruction in the Province of Texas, and which had set out with such

¹See *Texas Historical Quarterly* for January, 1901: "The First Period of the Gutierrez-Magee Expedition."

high hopes of coöperating in the revolution which raged beyond the Rio Grande. It was in the opening year of our second war with Great Britain that—despite the fact that there was room in the army for all warlike characters—adventurers and revolutionists to the number of five hundred gathered along the Louisiana frontier and in the Neutral Ground, marched across Texas, annihilated three royalist armies, and held the province until dissensions prepared them for destruction. That Burr planned, in case of necessity, to make a “neutral ground” of his Bastrop lands scarcely admits of doubt; many of the followers of Magee had been his loyal partisans; and those who joined in the filibustering enterprises which swept westward for the next half century were his disciples.

Pursuing his tactics Burr wrote to Governor Harrison with the evident intention of exciting him, as he had Jackson, to issue a proclamation to the militia. To keep the aggression of the enemy before the people was to raise higher their passions.

“By the hands of my friend and relative, Major Westcott,” he said under date of October 24th, “you will receive a newspaper containing the orders lately issued by General Jackson to the militia of West Tennessee, being the division under his command. It occurred to me that you might deem something similar to be addressed to the militia of Indiana not inexpedient at this moment, and that the perusal of this production might be acceptable. All reflecting men consider a war with Spain to be inevitable; in such an event, I think you would not be at ease as an idle spectator. If it should be my lot to be employed, which there is reason to expect,

it would be my highest gratification to be associated with you.”¹

As yet everything was going well; not only were boats being built, provisions being gathered, and recruits being prepared, but fate even seemed to declare for Burr. Every day brought more warlike tidings from the Sabine; newer encroachments and insults of the foe, and greater prospect of a violent clash between the American and Spanish armies which now stood facing each other across the Arroyo Hondo. It is plain from his letter to Governor Harrison that Burr momentarily expected Wilkinson to redeem his pledge that a war could and would be brought about. Upon the receipt of such news Burr's banner would be raised, and Harrison, Davis Floyd, Adair, and Jackson would each muster a regiment for an independent army destined for Mexico.

October 6th, two days after the appearance of Jackson's proclamation, a mass meeting of the citizens of Wood County, Virginia, under whose jurisdiction was Blennerhassett's island, condemned the “apparently hostile movements and designs of a certain character [Burr].” Resolutions were passed expressing their attachment to the President of the United States; and it was ordered that a corps of militia should be raised to act in case of emergency.²

Blennerhassett was absent in Kentucky, having gone there with the Alstons in the furtherance of the conspiracy, when these hostile expressions were uttered.

¹Clark's *Proofs*, Ap., p. 16.

²*Moniteur de la Louisiane*, December 31, 1806.

His absence, however, did not deter the boisterous militiamen from threatening a reprisal upon the island. Mrs. Blennerhassett became uneasy and sent her gardener, Peter Taylor, in search of her husband. October 20th he set out. On his way he stopped in Cincinnati to inquire of Senator John Smith the whereabouts of Blennerhassett. Smith, having become alarmed at the malignant rumors in circulation, seized the opportunity to send a note to Burr demanding an explanation.

"I was greatly surprised and really hurt by the unusual tenor of your letter of the 23d," Burr vouchsafed in answer to the Senator,¹ "and I hasten to reply to it, as well for your satisfaction as my own. If there exists any design to separate the Western from the Eastern States, I am totally ignorant of it. I never harbored or expressed any such intention to any one, nor did any person ever intimate such design to me."

From Cincinnati Taylor rode to Lexington, where, according to his own story, he saw Burr for the first time, and opened his acquaintance with the warning, "If you come up our way, the people will shoot you." Taylor's account of this meeting is sufficient to discredit him utterly. On the other hand, it is plain from his evidence that Blennerhassett had told him what was reserved for those in the innermost circle of the associates. They were "going to take Mexico, one of the finest and richest places in the whole world."

"Colonel Burr would be the King of Mexico, and Mrs. Alston, daughter of Colonel Burr, was to be Queen of Mexico, whenever Colonel Burr died. He said that

¹Burr to Smith, October 26, 1806; *Senate Reports*, p. 33.

Colonel Burr had made fortunes for many in his time, but none for himself; but now he was going to make something for himself. He said that he had a great many friends in the Spanish territory; no less than 2,000 Roman Catholic priests were engaged, and that all their friends too would join, if once he could get to them; that the Spaniards, like the French, had got dissatisfied with their government, and wanted to swap it."

The inhabitants of the Spanish colonies were indeed tired of their Government. This was so manifestly the case in West Florida that even the faint-hearted Claiborne thought there would be no difficulty in acquiring the territory. "A great majority of the people of the Baton Rouge settlement," he said, March 3, 1806, to Jefferson, "are well affected to the United States, and anxious for a change of government."¹ The history of the subversion of the Spanish rule in Mexico adds most effective weight to this testimony. The priests were the agitators and the leaders in the terrible revolt which began in September, 1810, and which was to end with Mexican freedom. Had Burr been able to unite the elements in opposition to the foreigner in Mexico, then indeed might he have been king; and Wilkinson's taunt in a letter to Jefferson concerning Burr's overrunning of Mexico—that it would receive a new master in the place of promised liberty—would have been full of significance.

The news reported by Mrs. Blennerhassett was of sufficient gravity to call her husband away from the little group of revolutionists—already diminished by the return of the Alston family to South Carolina—

¹Claiborne's Journal, p. 77.

living in the house of John Jourdan in the town of Lexington. Also De Pestre had taken leave of Burr, and the rest to bear reports to those who remained in the East, and to draw the blindfold tighter around the eyes of Yrujo. He was to pretend that the revolutionizing of the States was progressing rapidly, and to assure the Marquis that the report that Mexico was to be invaded had been circulated to hide the main design. But before De Pestre had reached his destination the Spanish Minister wrote his Government a long dispatch on the subject:¹—

“It is indubitable that Colonel Burr and his subordinates are carrying out their plan. The partial discovery of their intentions instead of deterring has only confirmed them in the revolution, whose success alone can save them. Some of his associates at this place and at New York are going to meet him, in spite of the fact that the newspapers already comment on his enterprise. It seems to me to be his intention to profit by the hostile appearance on the Sabine to arm his friends preliminary to the rupture with Spain. I am confirmed in this opinion by a proclamation from the hand of one General Jackson of Kentucky, in which he proposed the organization of the militia to chastise the insulting Spaniards.”

So ignorant was Yrujo of the real posture of affairs in the West, he could not conceive that such a proclamation truly betokened patriotism; it was to him a mere subterfuge, for he had been accustomed, and the conspirators had fostered his predilection, to think of the Westerners as openly hostile to the Union. It never occurred to Yrujo—the proposition was too absurd—that he had been duped in order that an army,

¹Yrujo to Cevallos, November 10, 1806; MSS. Spanish Archives.

marshaled for the conquest of his Sovereign's territories, might take things by surprise.

Burr's force was to consist of five hundred men, chiefly from New York, who were to rendezvous at Marietta. Then, continued Yrujo:

"Colonel Burr will go down with them under the pretext of establishing them on a great land purchase he is supposed to have made. In passing Cincinnati they expect to seize five thousand stand of arms which the Government deposited there at the time of its difference with us about the navigation of the Mississippi. After thus dropping the mask, this armed troop will follow down the course of the Mississippi. Colonel Burr will remain at Natchez till the Assembly of New Orleans has met, which will happen at once; and in this meeting (junta) they will declare the independence of the Western States, and will invite Burr to place himself at the head of their Government. He will accept the offer, will descend to New Orleans, and will set to work, clothed in a character which the people will have given him. I understand that Colonel Burr has already written the declaration of independence, and that it is couched in the same terms that the States adopted in theirs against Great Britain. This circumstance is the more notable inasmuch as the actual President was the person who drew it up in 1776. When Burr made the project of acting in agreement with England and seizing the Floridas, he expected to master them with troops that should accompany him from Baton Rouge. Although I am assured that this project is abandoned, and that, on the contrary, he wishes to live on good terms with Spain, I have written to Governor Folch of West Florida to be on his guard; and although I am persuaded that, by means of Governor Folch's connection with General Wilkinson, he must be perfectly informed of the state of things and of Burr's intentions, I shall write to-day or to-morrow another letter to the Governor of Baton Rouge to be on the alert."

It is puzzling that Yrujo should not have known

that Wilkinson's term of pensioner had expired. Had he been aware of this fact his anxiety for the safety of the southern provinces might justly have increased, although he believed the governors in that quarter to be well informed of the course of events through the press of New Orleans and Natchez. His perplexity was indeed augmented through a letter from Burr which De Pestre delivered about November 27, 1806, preparatory to his report:¹—

"About eight days ago," said Yrujo to Cevallos, December 4th, "a former French officer, one of Burr's partisans, presented himself here; he is just from Kentucky in search of various things needful to the enterprise. . . . This officer brought me a letter of recommendation from Burr, in which he said simply that the bearer, who had recently been in the Western States, could give me information about them to satisfy my curiosity. The date of this letter was Lexington, October 25th."

Yrujo was assured that all was going well with Burr's affairs, and that by December 5th the adventurers from all parts would concentrate at Marietta. The body of the message ran as follows:

"He also told me, on the part of the Colonel, that I should soon hear that it was his intention to attack Mexico, but that I was not to believe such rumors; that on the contrary his plans were limited to the emancipation of the Western States, and that it was necessary to circulate this rumor in order to hide the true design of his armaments and of the assemblages of men which could no longer be concealed; that Upper and Lower Louisiana, the States of Tennessee and Ohio, stood ready and ripe for his plans, but that the State of Kentucky was

¹Yrujo to Cevallos, December 4, 1806; MSS. Spanish Archives.

much divided; and as this is the most important in numbers and population, an armed force must be procured strong enough to overawe the opposition. He added, on Burr's part, that as soon as the revolution should be complete, he would treat with Spain in regard to boundaries, and would conclude this affair to her entire satisfaction; meanwhile he wished me to write to the Governor of West Florida to diminish the burdens of Americans who navigated the Mobile River, and ask him, when the explosion should take place, to stop the courier or couriers which the friends of Government might dispatch, since it was desirable to delay the report of the happenings in the West."

However successful Burr had been in the earlier phase of his intrigue with Yrujo, nothing could have been plainer to the Minister than that the conspirators, who had now nothing to gain from his coöperation, were lulling him into drowsy security. Yrujo would have been blind indeed had he not discovered that the Westerners were massing, not to overawe Kentucky, but to take for themselves certain properties which were destined to belong a little longer to Carlos IV. Yrujo confessed that Burr in sending him this officer had "inspired him with the liveliest apprehensions." And he renewed his warnings to the officers in Florida, Texas, and Mexico.

After his interview with Yrujo, De Pestre went to New York, where he met that contingent which was to have gone round by sea to New Orleans. But everything was now in confusion because of the President's denunciation of the enterprise through his Proclamation of November 27th.¹ Still, hope of ultimate suc-

¹See p. 196.

cess was not abandoned, and De Pestre returned in a fortnight to Philadelphia, and once more called upon Yrujo, to whom he related that Swartwout, Dr. Erwin, Colonel Smith, and Captain Lewis of the merchant-ship *Emperor* would soon set off for New Orleans. De Pestre further stated:¹—

“that the youths enlisted to serve as officers should set out as soon as possible for their posts. These, my informant told me, are different. Some two or three of them, the quickest and keenest, go to Washington to observe the movements of Government, to keep their friends in good disposition, and to dispatch expresses with news of any important disposition or occurrence. Three go to Norfolk to make some dispatch of provisions. A good number of them will go direct to Charleston to take command as officers, and see to the embarkation of the numerous recruits whom Colonel Burr’s son-in-law has raised in South Carolina. He himself will then have returned there from Kentucky, and will embark with them for New Orleans. The rest will embark directly for that city from New York.”

This time the Marquis plied De Pestre with such questions as, Why, if the separation of the States is the object, was it necessary to prepare such quantities of provisions? and Why the State of Kentucky had become obstinate? It appears from Yrujo’s account that De Pestre was almost driven from his ground. Indeed, he was taunted for his dissembling. Blennerhassett gave it on the authority of the Frenchman—who related the whole of the circumstances to him while at Richmond—that Yrujo “pierced the cobweb tissue of Burr’s intrigues with him at a single glance.”

¹Yrujo to Cevallos, December 16, 1805; MSS. Spanish Archives.

"He assured De Pestre," the Journal records,¹ "that had Burr opened his designs with frankness, and really projected a severance of the Union, and nothing hostile to the Spanish provinces, he, Burr, might have had an easy resort to the Spanish treasury and its arsenals. But Yrujo laughed at the awkwardness with which Burr endeavored to mask his designs on Mexico."

Such a moment of satisfaction Yrujo could not have enjoyed. It was not until De Pestre came on the stage that the Marquis realized how thoroughly he had been entrapped. He was now convinced that Burr planned a descent upon Mexico, and realized that the only barrier which stood between the adventurer and his goal was Wilkinson. So he wrote with the deepest complacency some weeks later that Spain had saved herself and the United States by pensioning Wilkinson, who had entered into Burr's design for the division of the Union, but rebelled at his plan for the conquest of Mexico.²

While Yrujo was enjoying this special confidence of the associates, the stories of the conspiracy which were already rife in the States spread naturally into the very provinces the Spanish Minister was most exercised about. Some project had been ascribed to Burr as early as July, 1805, and since that date the Spanish governors had not been lacking information from Yrujo, from the press of the States, and from local connections. Although Yrujo knew Burr to be at the head of the project, with the ostensible design of

¹*Blennerhassett Papers*, p. 417.

²Yrujo to Cevallos, January 28, 1807; MSS. Spanish Archives.

disrupting the Union, the administrators in the provinces of Don Carlos thought the movement directed by the Government of the United States, whose object was solely the extension of boundaries. Grand Pré, stationed at Baton Rouge, had become alarmed, and wrote Claiborne as early as April 1, 1806, that he understood hostile preparations against his province were making in Mississippi. Claiborne replied, "Your Excellency's letter of the first instant, has been received, and to quiet your apprehensions as far as is in my power, I hasten to assure you that I have never before heard of the hostile preparations which you seem to think are on foot in the Mississippi Territory."¹ But Claiborne had forgotten that he had said in a dispatch to Washington that West Florida was ready to revolt, and that hostile armaments were organizing. Kemper—one of the filibustering brothers of that name in Mississippi—bore witness to that when he said that Burr's corps, which were forming in that Territory, meant to attack Baton Rouge; and Wilkinson likewise testified to the open hostility of the Territory under Meade, the latter having expressed the wish that the Spanish cavalry would intercept the General on his ride to the frontier in September, "because if this did not happen we should have no war. The same man," said Wilkinson, "before I reached Natchez actually talked of attacking Baton Rouge."² Early in the fall Vicente Folch, Governor of West Florida, was advised of the scheme and of the violent disposition of his neighbors; and imme-

¹Claiborne to Grand Pré, April 8, 1806; Journal, p. 111.

²Wilkinson to John Smith, Jefferson MSS.

diately hurried information to Mexico. Again, on October 1st, he sent a message to the Viceroy:—

“You have already been informed of the project to revolutionize Mexico. This enterprise has not been lost sight of, and seems to be stronger than ever. According to the plan, if the weather permits, in February or March ten thousand Kentuckians, three thousand regular troops, eight or ten thousand militia from Louisiana, who will be forced to go, will march for Mexico. They will raise a corps of five thousand blacks, who will be taken from the plantations and declared free. This will make an army of from twenty-eight to thirty thousand men; five thousand will be reserved for the city of New Orleans. Baton Rouge and Pensacola will probably be the first taken. . . . After that, Natchitoches will be the point for the reunion. Part of the army will be embarked to land at the Rio Grande. The pretext for this expedition is afforded by the presence of the Spanish troops at Adayes. Congress will act only on the defensive, but if once these troops are united they will march toward Mexico with great proclamations.”

Without doubt Folch had grains of truth with his chaff; but here again Burr's project was swallowed up in the larger purpose attributed to the nation. That the movement was directed wholly against Spain was indubitable. There was not a hint nor even a suspicion that the West, according to Yrujo's advices, was first to be revolutionized. To those viewing the situation at short range his disclosures appeared but idle prophecy; of national aggressiveness, on the other hand, there were unmistakable signs, and its direction was undoubted.

¹Folch to Iturrigaray, October 1, 1806; MSS. Mexican Archives.

Amid all these eddying reports and rumors, the Government at Washington, harassed by Pitt, teased by Napoleon, and defied by Godoy, labored heedless of the gathering storm on a near horizon. It was toward the end of October before the Administration thought the matter of the conspiracy worth its attention. Various letters and the notice of the organization of the Wood County militia had been received, but there was nothing tangible in any of the communications. October 13th one James Taylor wrote to Madison from Kentucky that the scheme in question was to seize the Congress lands and to separate the States; that Blennerhassett, who had fled to this country, was reported to have written the articles signed "Querist";¹ that Woodbridge & Company of Marietta were building ten gunboats, or strong vessels resembling them, at a navy yard seven miles up the Muskingum.² Long before this, however, Jefferson had been warned that a conspiracy was on foot in the West and that Burr was its master-spirit. As early as January 10, 1806, Joseph H. Daviess, prosecuting-attorney for the Federal District of Kentucky, wrote the President a private letter denouncing the Spanish pensioners, and declaring that Burr's object was to effect "a separation of the Union in favor of Spain."

"This plot is laid wider than you imagine," he asserted by way of a general warning. "Mention the subject to no one from the Western country, however high in office he may be. Some of them are deeply tainted with this treason. I hate duplicity of expression; but on this

¹See p. 81.

²Taylor to Madison, October 13, 1806; Madison MSS.

subject I am not authorized to be explicit, nor is it necessary. You will dispatch some fit person into the Orleans country to inquire.”¹

Daviess knew nothing “explicit,” nor was he in better position eleven months later when he swore out a process against Burr. Notwithstanding, from the date of his first note until Burr was afloat upon the Mississippi, he kept up a constant stream of denunciations. In a second letter, one month from the first, he recited the itinerary of Burr during his trip through the West in 1805; named the men with whom he associated, dwelling particularly on his connection with Wilkinson and the Senator from Ohio. On March 5th he declared that he would raise money and pursue the plot at his own expense.² The President had already written him asking for more information.³ In pursuit of this, May 7th found the district-attorney at St. Louis, where he remained several days scrutinizing Wilkinson’s conduct with a view to fathoming the conspiracy.⁴ Once the General took up a map and, tapping the region about New Mexico, said, “Had Burr been President we should have had all this country before now.” To Madison Daviess confided at this stage that a war with Spain was the first step in the programme, and that this was considered inevitable. “The Mexican provinces, the American possessions on the Mississippi, and the Floridas are in view.” Later he saw four

¹*View of the President’s Conduct* (p. 10), by J. H. Daviess, 1807.

²*View of the President’s Conduct*, p. 13.

³*View*, etc., p. 14. *Clark’s Proofs*, p. 179.

⁴*Smith’s History of Kentucky*, p. 427.

sides to the plot: one for the Spanish Minister, in New Orleans and the Western States; one for adventurers, in the conquest of Mexico; another for the multitude, in the Washita lands; and lastly one for Burr himself, aggrandizement.¹ But the Government was not driven by Daviess's wholesale charges to an investigation of the plot; nor were his communications even mentioned among the sources of information in the Cabinet Memoranda of October 22d, which Jefferson recorded in his own hand.²—

“During the last session of Congress, Colonel Burr who was here, finding no hope of being employed in any department of the government, opened himself confidentially to some persons on whom he thought he could rely, on a scheme of separating the Western from the Atlantic States, and erecting the former into an independent confederacy. He had before made a tour of those States, which had excited suspicions, as every motion does of such a Catalinarian character. Of his having made this proposition here we have information from General Eaton through Mr. Ely and Mr. Granger. He went off this spring to the western country. Of his movements on his way, information has come to the Secretary of State and myself from John Nicholson and Mr. Williams of the state of New York, respecting a Mr. Tyler; Colonel Morgan, Neville, and Roberts, near Pittsburg; and to other citizens through other channels and the newspapers. We are of opinion unanimously that confidential letters be written to the Governors of Ohio, Indiana, Mississippi, and New Orleans; to the district-attorneys of Kentucky, of Tennessee, of Louisiana, to have him strictly watched, and on his committing any overt act, to have him arrested and tried for treason, misdemeanor, or whatever other offence the act may amount

¹*View*, etc., p. 21.

²Memoranda, October 22, 1806; Jefferson MSS.

to; and in like manner to arrest and try any of his followers committing acts against the laws. We think it proper also to order some of the gunboats up to Fort Adams to stop by force any passage of suspicious persons going down in force. General Wilkinson being expressly declared by Burr to Eaton to be engaged with him in this design as his lieutenant, or first in command, and suspicion of infidelity in Wilkinson being now become very general, a question is proposed what is proper to be done as to him on this account, as well as for his disobedience of orders received by him June 11 at St. Louis to descend with all practical despatch to New Orleans to mark out the site of certain defensive works there, and then repair to take command at Natchitoches, on which business he did not leave St. Louis till September. Consideration adjourned.

“October 24. It is agreed unanimously to call for Captains Preble and Decatur to repair to New Orleans, by land or by sea as they please, there to take command of the force on the water, and that the *Argus* and two gunboats from New York, three from Norfolk, and two from Charleston shall be ordered there, if on consultation between Mr. Gallatin and Mr. Smith the appropriations shall be found to enable us; that Preble shall, on consultation with Governor Claiborne, have great discretionary powers; that Graham shall be sent through Kentucky on Burr’s trail, with discretionary powers to consult confidentially with the governors to arrest Burr if he has made himself liable. He is to have a commission of [Upper] Louisiana, and Dr. Browne is to be removed. Letters are to be written by post to Governor Claiborne, the Governor of Mississippi, and Colonel Freeman to be on their guard against any surprises of our posts or vessels by him. The question as to General Wilkinson postponed till Preble’s departure, for future information.

“October 25. A mail arrived yesterday from the westward, and not one word is heard from that quarter of any movements of Colonel Burr. This total silence of the officers of the government, of the members of Congress, of the newspapers, proves he is committing no

overt act against the law. We therefore rescind the determination to send Preble, Decatur, the *Argus*, or the gunboats, and instead of them to send off the marines which are here to reinforce, or take place of, the garrison at New Orleans, with a view to Spanish operations; and instead of writing to the governors, etc., we send Graham on that route, with confidential authority to inquire into Burr's movements, put the Governors, etc., on their guard, to provide for his arrest if necessary, and to take on himself the government of [Upper] Louisiana. Letters are still to be written to Claiborne, Freeman, and the Governor of Mississippi to be on their guard."

The resolutions of the first two days indicate that the Cabinet saw possible danger in Burr's project; but the action of the third proves that they were loath, with their meagre information, to take any decisive steps. The fact that Wilkinson's derelictions were quietly passed over is only another illustration of the painful indecision which ruled at this time both President and advisers in every matter of importance. Burr's plot was subordinated to the threatening foreign complications; therefore one need express no astonishment at the rescinding of all vigorous measures against a conspiracy which, as yet, had taken no definite form, and which had been denounced only in the vaguest terms. It seemed quite sufficient to send John Graham, Secretary of the Orleans Territory, on Burr's path to inquire into his behavior, and to write letters of warning to the officials of the West.

But if the officials of the Western States, familiar with Burr's movements, were expecting a warning of any character it was to prepare to defend themselves

against the Castilians in force on their borders. Jackson had just issued his proclamation to the Tennessee militia, and Burr went from place to place applauded as the leader destined to scourge a foe whose insolence and aggressions had at last outworn the patience of a long-suffering people.

CHAPTER V.

The Crisis on the Frontier



WHEN James Monroe, Minister Plenipotentiary to England and Envoy Extraordinary to Spain, quitted Madrid for London, May 26, 1805, war with Spain appeared inevitable. The attempt to reach a settlement of the disputes between the two countries had utterly failed. With the United States now threatening to fall upon that part of the Empire which might otherwise escape the greed of the Dictator of Europe and the English merchants, the circle of Spain's enemies was complete; it was a situation from which there was no escape, and Manuel de Godoy, the Prince of Peace, looked resignedly ahead to wars and embroilments in the hope of finding relief.

The very day on which Monroe had his audience of leave with Carlos IV., May 22, 1805, Don Pedro Cevallos, Minister of State, discussed with Soler, Minister of Hacienda, the course the negotiations had taken. After canvassing each point which had been raised in the conferences with Monroe—admitting the justness of only one claim of the United States—the very important dispatch closed with this paragraph: “I send you this notice so that you may take what measures the service of the King and the security of his dominions demand, it being impossible to forecast the consequences which may follow the rupture of

negotiations.”¹ The matter was more pointedly put by Francisco Gil to the Viceroy of Mexico, José de Iturrigaray:²—

“The political situation with regard to the United States of America is darkly uncertain, because the negotiations which were undertaken with Mr. Monroe have been broken off on account of the fact that the claims he advanced were as ambitious and exorbitant as they were prejudicial to the rights of the Crown. The defenses of our possessions will, therefore, be looked to with the utmost care.”

A plan for the protection of Texas was speedily devised, and early in October, 1805, the posts of Bayou Pierre and Nana, to the east of the Sabine—reconnoitring stations mustering respectively forces of twenty and ten men—were occupied.³ Behind these were Nacogdoches, Orcoquisac, and Trinidad, where the real struggle for the defense of the province would be made, while further in the interior were La Bahia, San Marcos, Refugio, and San Antonio de Bexar.⁴ While these preparations show that a struggle was expected, half invited, the Americans were taking steps which promised no disappointment.

January 24, 1806, Major Porter, commanding Fort Claiborne at Natchitoches, received an order from the War Department which required that the officer in command at Nacogdoches should give assurance that no further inroads would be made to the east of the

¹Real Cédulas, vol. cxcv.; MSS. Mexican Archives.

²Real Cédulas, vol. cxcv.; MSS. Mexican Archives.

³Gonzales to Rodriguez, October 16, 1805; MSS. Bexar Archives.

⁴Salcedo to Cordero, October 8 and 25 (two letters), 1805; MSS. Bexar Archives.

Sabine, to which stream the Americans were to extend their patrols. Lieutenant Piatt with these instructions was sent to Nacogdoches. Rodriguez, the commander, replied that no aggression had been intended, but that he could not give the assurance demanded.¹ Piatt returned with this answer, and on the first of February Captain Turner with his command, which numbered sixty, was ordered to proceed to the neighborhood of Adayes, where he would fall in with a "stationary party of armed Spaniards" which was to be commanded to withdraw beyond the Sabine. They might go in peace if they would, but evacuate they must, even at the cost of blood. So ran the orders.²

On the fifth Turner arrived before the camp at Bayou Pierre near Adayes, where a mission had stood in the past century. Gonzales, the commanding officer, protested at the unwarranted invasion of his Sovereign's territory, but signed a written agreement to the effect that the troops of his Catholic Majesty which he commanded would be transported to the other side of the Sabine as soon as the horses were in condition to travel; or at furthest in six days.³

Now indeed the fear of invasion seized both sides. The Americans trembled for Louisiana; the air was rife with tales of Spanish intrigues, and there were evidences of deceit and treachery. Major Porter had but two hundred effective men to meet whatever emergency arose, while the enemy were said to number four

¹Martin's *Louisiana*, ii., 63.

²*Messages and Reports of the United States Government*, 1806. Gayarré's *History of Louisiana*, iv., 137.

³*Messages and Reports of the United States Government*, 1806.

hundred, exclusive of Indians.¹ In reality the Spaniards were only fifty-one. But the permanent abandonment of the region in dispute was far from the purpose of Salcedo, Captain-General of the Internal Provinces of Mexico, who at once ordered to the front six hundred militia under Lieutenant-Colonel Herrera.² A little later he declared that the United States by sending troops across the Arroyo Hondo had been guilty of breaking the harmony existing between the two powers.

“Ever since France sold Louisiana to the United States,” he went on petulantly to Cordero,³ “nothing has been left undone to extend the limits into the Spanish possessions of the Missouri (*Misuri*) and Arkansas (*Napertle*), and to secure the twenty-two leagues of land lying between the Arroyo Hondo and the Sabine, the former of which marks the boundary of Louisiana, as the Americans well know. They are also massing troops without question of expense to hold by force their spoils. They are also intriguing with the Indians, have built a storehouse at Natchitoches and have filled it with gifts for them. It has not been possible for us to oppose them in force, but in order to counteract their influence among the Indians I have dispatched expeditions to the various tribes, our dependencies—some to the far Northwest.”

In addition to the threatening situation in Texas, rumors of a graver nature reached the Captain-General of the Internal Provinces at Chihuahua. They were nothing less than premonitory warnings of the coming of Burr; and it is indeed astonishing to discover that thus early the officials of Mexico had received ac-

¹Gayarré, iv., 137.

²Salcedo to Cordero, April 9, 1806; MSS. Bexar Archives.

³Salcedo to Cordero, April 15, 1806; MSS. Bexar Archives.

counts of the nature of his plot. Burr's designs were complicated with the attitude assumed by the United States Government in the matter of the extension of boundaries, and the complication confounded contemporaries, most of all the Spaniards. They saw the conspiracy only as an aggressive movement against their territories, organized as it were under the wing of the Government and with the plea of vindication of rights. But the Spaniards also thought they had rights, and prepared to defend them. April 21st Governor Cordero commanded that the various chiefs of Indian tribes of Texas should be notified of the menace of the United States, so that they might be vigilant.¹ By this, too, the Viceroy, who was at first inclined to ignore the movement, began to look seriously upon the crisis, and sent forward all the available troops.²

Meanwhile the Spanish soldiers who had lingered in New Orleans months beyond their allotted time—for no other purpose, some thought, than to create disaffection, or to be on the ground to seize the city by a *coup de main*—were ordered away. Among those who left sullen and defeated was the dictatorial intendant, Juan Ventura Morales, famous as the author of the closure of the entrepôt at New Orleans. February 15th, three days after Morales had departed, Marquis Casa Calvo, also under compulsion and bitterly protesting, set out for Pensacola. He had just returned to New Orleans from a four months' trip to Texas, where, to credit Rodriguez, he had advocated the precipitation of hos-

¹Cordero to Viana, April 21, 1806; MSS. Bexar Archives.

²Iturrigaray to Salcedo, April 28, 1806; MSS. Bexar Archives.

tilities in the belief that Louisiana would espouse the cause of Spain.¹ Cordero and Salcedo thought him busy with carrying into effect his commission as territorial adjudicator, while Claiborne heard that he was tampering with the allegiance of the Indians; that he was spreading discontent, or indeed, that he had gone to command the Mexican army.² The nervous Governor of Louisiana rejoiced therefore at the President's determination to hasten the withdrawal of the Spaniards. Their expulsion, however, stirred up their brethren in West Florida. Governor Folch refused to permit the transmission of the United States mails through his territory, the fortifications of Mobile were strengthened, and emissaries were sent among the Choctaws. Claiborne became uneasy, and wrote the President that a respectable force was essential to the safety of New Orleans. As the summer wore on affairs calmed somewhat on the frontier, but there were too many provocations for the thought of peace. Spain had cast the die and was as determined to do nothing—her European position had materially changed for the worse—as when Monroe demanded his passports of Carlos IV. in May, 1805.

"On the fourth of July [1806]," says Parton, "there were not a thousand persons in the United States who did not think war with Spain inevitable, impending, begun!" War with Spain was to be waged not only that our rights might be vindicated, but also that the Mexicans might be free. It was in the West

¹Rodriguez to Cordero, March 4, 1806; MSS. Bexar Archives.

²Casa Calvo to Cordero, December 8, 1805; Salcedo to Cordero, January 1 and 28 (two letters), 1806; MSS. Bexar Archives.

that this feeling reached its climax, and the sentiments pervading the celebrations of the Fourth of July may well be taken as indicative of their attitude. To know their attitude toward the Union, a war with Spain, the invasion of Mexico is to hold the key to the conspiracy. From the nature of things, a conspiracy with form and life must reflect the character of its adherents. Was there then in the West an element unfriendly to the Union? Was there one animated by revolutionary impulses which longed to expel the arrogant foreigner from the shores of America? The Westerners made reply in unequivocal language.

At a banquet in Cincinnati the following appropriate toast was drunk: "May party spirit be banished from this land, and freedom and a union of sentiment predominate; a determination to support our liberty and Constitution inviolate."¹ Among other toasts offered at Georgetown, Kentucky, were: "The people of the United States: may their union be lasting as time"; and, "Western America: one in principle and interest with the rest of the Union."² In a neighboring city: "The Mississippi and its waters—our highway to market: may its trade be free and uninterrupted as its current." Then drinking to Louisiana, our recent acquisition: "May the tree of liberty flourish on the ruins of despotism"; and, "May the Western country flourish, and the golden chain of the Union never break."³ At Lexington they praised "The patriots who suffered in '76"; and, "Thomas Jefferson, President of

¹*Western Spy*, July 8, 1806.

²*Palladium*, July 27, 1806.

³*Palladium*, July 10, 1806.

the United States." In St. Louis we find similar expressions of faith and confidence in the Constitution and the Republic. At a celebration given October 25th in honor of Lewis and Clark, the returning explorers of the far Northwest, these toasts were proposed: "The Territory of Louisiana—freedom without bloodshed: may her actions duly appreciate the blessing." Then, with three cheers: "The Federal Constitution: may the eagle of America convey it to the remotest parts of the globe; and whilst they read they can but admire." A third: "The memory of the illustrious Washington, father of America: may his guardian spirit still watch over us and prove a terror to the engines of tyranny." In New Orleans they toasted the following sentiment: "The ancient boundaries of Louisiana—republics never contract their limits." Claiborne was delighted with the celebration in his capital.

"On yesterday," he said to Dearborn in a dispatch of July 5, 1806, "the citizens of this place exhibited a degree of patriotism which afforded me pleasure. All the stores in the city were closed by order of the city council, and the inhabitants generally suspended their usual avocations. High mass was performed in the forenoon at the churches, and a Te Deum sung. At night a new tragedy called *Washington; or, the Liberty of the New World*, was performed and much applauded by the numerous audience, consisting for the most part of ancient Louisianians."¹

Even the Creoles were enthusiastic and applauded the idea of liberty for the New World; and liberty for the New World, as they knew, could come only by the

¹Claiborne to Dearborn, July 5, 1806; Journal, p. 201.

destruction of the power which had fettered it. Also the Mexican Association, or, more accurately, the Mexican Society, of New Orleans was enthusiastic in the agitation for war. "It had for its object," said Dr. Watkins, Mayor of New Orleans, "collecting information relative to the population and force of the interior provinces of New Spain which, in the event of war, might be useful to the United States." He further averred that the invasion of Mexico had always been counted upon in a war with the Dons.

The West, as it loved the Union hated Spain, and that hatred appeared to be of a nature which only war could appease. The war might be legitimate or otherwise—there were those who did not mean to ask questions. Perhaps this element and its most extravagant plan is represented in the communication published in several Western newspapers in the fall of 1805, over the signature of "A Kentucky Man":

"As to the Spaniards, we can pay ourselves. There are gentlemen now in this city from the westward, who will make contracts whenever Congress authorizes it to pay every just claim of our citizens upon them, and will engage to do it, free of any expense to the United States, and also, not to injure any private property in Mexico."¹

Evidently nothing less was meditated than the overrunning of Mexico, whose public domains or confiscated public properties would be seized for debts long overdue! The proposition was not so visionary as it appeared on its face, and cannot be overlooked

¹*Orleans Gazette*, November 1, 1805.

in casting up the sum total of ideas which were eddying in the West.

In the midst of the war excitement, in the winter of 1805, Francisco de Miranda, a native of Caracas, landed in New York. As early as 1793 he had tried to draw the United States and Great Britain into a war for the liberation of his native country. Failing then, he went to the Continent, where he became a distinguished wanderer, taking high rank in the armies of both France and Russia. It was truly an auspicious time for him to revive his scheme of rebellion in Venezuela, for war between Spain and the United States appeared to be only a matter of days. Finding generous friends in New York, he soon had the *Leander* fitted out with arms and provisions, and February 2, 1806, sailed on his ill-fated voyage.

The part played by the Government in this affair is, to say the least, not above suspicion, for both Jefferson and Madison knew something of what was going on; but for us what is of most value in this connection is to know that the expedition was watched with the greatest interest throughout the Union, especially in the West. The newspapers of the time were full of Miranda, and the tone of the comment was most convincing. A single paragraph from the *Charleston Courier*, quoted in the *Orleans Gazette*, will suffice:¹—

“The expedition under General Miranda, from a variety of circumstances, promises to be attended with success. The dissatisfaction of the people generally with the Spanish Government, and particularly the priests, who,

¹*Orleans Gazette*, July 4, 1806.

by a late decree of the court of Madrid, are deprived of the principal parts of the revenues of the church, will induce them to seek a change of masters; to rid themselves at once of the most abject state of slavery and ignorance and from the fiend-like influence of the Prince of Peace. . . . What has the Spanish Government to oppose him [Miranda]? Nothing. The provinces are without troops, or at least they are not sufficient to drive the revolvers from their purposes. The mother country cannot assist them—she has soldiers but no ships—and if the means of transportation were found, the British fleet would intercept them. . . . The success of Miranda will open to the Americans a new field of enterprise; from the United States they must receive their supplies of goods and military stores, and the products which can be obtained in return will yield a good profit. . . . But, we hope, remembering our own emancipation, we shall give our aid to those who feel their rights, and have courage enough to assert them. . . . May the most brilliant success attend the standards of those who fight for the cause of rational liberty, and for the dignity of the human species.”

Such paragraphs need no discussion, but the fact that they were printed and reprinted in every journal of the West is worth remarking. Having been thus informed of Miranda's enterprise, the Westerners were on the alert for any news from Venezuela. All through the summer and fall that Burr and his associates were struggling to make headway with their expedition the newspapers were telling of Miranda's victories, and finally of the rumors of his defeat. When the report came that he had been beaten off, the West was loath to give credence to it, and the disappointment was keen when it came positively to be known that he had failed. There was not in all the West a word of disaffection.

In their toasts—and toasts were of far greater significance in that day than this—two ideas appear predominant: reverence for the Union and hatred for the symbols of despotism. Their sympathies, too, for Miranda betrayed unconsciously a love for the Constitution and a growing National spirit which was in six short years to force, in spite of the East and New England, the second war with Great Britain! And yet this was the region advertised as openly rebellious—the region Yrujo and Merry expected shortly to declare its independence. Could ignorance of conditions have been more dense?

By the end of June, 1806, there were in the province of Texas one thousand and seven soldiers.¹ The force on the frontier, however, never exceeded six hundred and ninety-seven men,² which was considered strong enough to sustain the King's pretensions in that quarter. Accordingly, in July, a body of troops under Viana once more hoisted the flag of Spain at Bayou Pierre. August 4th Viana wrote urgently to the commander of Nacogdoches for provisions, complaining that they had been four days without rations.³ The straits of the quartermaster were much intensified by the arrival of Herrera with several companies of cavalry; while sickness spread through the camp, converting it into a wretched hospital. But the Americans held exaggerated ideas of the efficiency of the corps under Cordero and Herrera.

¹Cordero to Salcedo, June 12, 1806; MSS. State of Texas Archives.

²Herrera to Salcedo, November 8, 1806; MSS. Bexar Archives.

³Viana to Rodriguez, August 4, 1806; MSS. Bexar Archives.

The news of the recrossing of the Sabine by the Spaniards spread rapidly through the country, rousing the inhabitants to arms—for the hated enemy appeared once more as invaders. The Governor of Louisiana was at Concordia, near Natchez—having been granted a leave of absence to visit his home in Tennessee—when the intelligence reached him. August 17th he met Cowles Meade, the Acting-Governor of Mississippi Territory, at Natchez, and a joint proclamation was issued. The people were called upon to aid the regular troops in expelling the Spaniards from Bayou Pierre, if the orders of the War Department had not been revoked; they were to be put on a campaign footing, the militia of the Mississippi Territory being ready to march to the frontier or to defend New Orleans, as the circumstances might require. The continued absence of Wilkinson was remarked and regretted.¹ But Claiborne felt he had no time to lose. “Having heard that a considerable force of Spaniards [is] in the vicinity of Natchitoches,” he wrote the same day to Dr. John Watkins,² “I propose setting out to-morrow for the counties of Rapides and Natchitoches, for the purpose of putting the militia in the best possible state.”

Before Claiborne had started, a Pinckneyville correspondent of the *Orleans Gazette* reported that Lieutenant Smith had arrived from Natchitoches with orders for Colonel Kingsbury to march forward with all the troops at Fort Adams. Nine hundred men under the Governor of Texas, so the report ran, had

¹Journal, p. 230. Claiborne's Correspondence, Orleans Territory, vol. iv., MSS. State Department Archives.

²Journal, p. 228.

advanced to within twelve miles of Natchitoches, where they were met by a flag from Major Porter, demanding an explanation of this new encroachment; to which they answered that they meant to reoccupy their former positions. An engagement had therefore probably taken place, if the Spaniards persisted in their undertaking.¹ The reporter was not aware, however, that the commander at Natchitoches was bound by supplementary instructions from the head of the army, which forbade the enforcement of the orders from the Secretary of War. Wilkinson was already disposing of things to suit himself.

Claiborne entered at once into a sharp controversy with Herrera. On the twenty-sixth he complained of several acts of unfriendliness—the setting at liberty of runaway slaves, the capture of three Americans (Irwin, Shaw, and Brewster), and the invasion of the territory of the United States. Herrera did not deny the first two charges, but returned his demurrer to the third. At this juncture he fell ill, and Claiborne courteously sent Dr. Hayward to attend him. The Governor, however, did not mean to suspend operations—he urged the fulfillment of the instructions from Washington, which commanded that all foreign troops should be driven to the west of the Sabine. Colonel Cushing explained that this would be contrary to the mandate of Wilkinson; and thereupon the Governor gave vent to his suspicions in a letter to Meade: “My present impression is that ‘all is not right.’ I know not whom to censure, but it seems to me that there is wrong

¹*Orleans Gazette*, August 22, 1806.

somewhere. Either the orders to Major Porter (which have been published) ought not to have been issued, or they should have been adhered to and supported.”¹ It was, indeed, hard for a layman to understand how even a general could set in abeyance the commands of his superior; there *was* wrong somewhere, but this was as near as the good-natured, honest Governor ever came to its discovery. The day he wrote Meade he addressed two letters quite free from suspicions to the War Department:

“The Spanish troops have made a retrograde movement,” he reported August 28th;² “they have advanced their main body to within seventeen miles of Natchitoches, and their patrols as far as the Bayou Funda [Arroyo Hondo], to which place it is contended the province of Texas extends (this bayou is about seven miles from Natchitoches); but within these few days past they have fallen back to the settlement of Bayou Pierre, about fifty or sixty miles distant from Natchitoches. Their numbers are conjectured to be 1,000, the greater part cavalry, and reinforcements are daily expected. They are amply supplied with beef cattle, but it is said a scarcity of bread is experienced. . . . I have found the Americans, who are settled in the frontier counties, devoted to their country, and solicitous to be called into service.”

The second letter, a week later, recounted as current report that the Spaniards at Bayou Pierre numbered 1200; that the Governor of Texas was approaching with three hundred regulars; that two regiments from Vera Cruz were to land at the mouth of the Trinity; and that the Viceroy and the Council of Mexico were alone responsible for the military movements, the Court

¹Claiborne to Meade, September 9, 1806; Journal, p. 269.

²Journal, p. 243.

of Spain having no part in it. It was mentioned that Colonel Cushing was restrained from acting on the offensive by Wilkinson's commands; that the Colonel in the meantime was making arrangements to take the field, while he (Claiborne) was preparing the militia.¹ After his experiences in the administration of the municipality of New Orleans, where he found only antagonisms and embittered factions, political and social, it gave him extreme pleasure, as he wrote Cushing, to note the enthusiasm of the people.² The unanimity with which they responded to the defense of the country was certainly gratifying to him and to those in the high places of the Government, who were in daily expectation of the herald of war.

The Cabinet early resigned itself to the situation. When the news of the expulsion of Gonzales reached Washington a meeting was held, the result of which the President reported to Dearborn, who was absent:—

“Six war vessels are to be kept before New Orleans,” ran the note; “three in Lake Pontchartrain. Blockhouses and other defenses are to be erected at suitable places on the defiles of New Orleans. The troops are to remain off the island on account of their health, but they are to be ready to march at notice. The militia of New Orleans, Tombigbee, and Natchez are to be put in the best possible condition; those at New Orleans to defend that city; those on the Tombigbee to seize Mobile or Pensacola, or follow if the Spanish troops from either of these threaten New Orleans. These orders are to be carried out with as little noise as possible.”³

While these were wholly defensive measures, the

¹Journal, p. 254.

²Journal, p. 272.

³Jefferson to Dearborn, April 26, 1806; Jefferson MSS.

state of mind of the Government is clearly reflected therein. If anything was left in doubt, this was shortly removed by the Executive. May 6, 1806, when the following orders went forward to General Wilkinson, the challenge was accepted, and it was for the administrators of Don Carlos in the New World to say whether the Floridas, Louisiana, Texas, and the Spanish Americas should become legitimate stakes of war.

“From recent information received from New Orleans and its vicinity,” wrote the Secretary of War to General Wilkinson,¹ “the hostile views of the officers of his Catholic Majesty in that quarter have been so evident as to require the strictest precaution on the part of the United States; and the immediate exertion of the means we possess for securing the rightful possession of the territory of the United States, and for protecting the citizens and their property from the hostile encroachments of our neighbours, the Spaniards. You will, therefore, with as little delay as practicable, repair to the Territory of Orleans or its vicinity, and take upon yourself the command of the troops in that quarter, together with such militia or volunteers as may turn out for the defense of the country. And you will, by all the means in your power, repel any invasion of the territory of the United States east of the River Sabine, or north or west of the bounds of what has been called West Florida.”

There could be no mistaking the meaning of these orders; they were explicit and final. Though it was true “every day increased our prospects of war,” as the General wrote, he was detained in St. Louis for three months by “various and unavoidable obstacles.” What these distressing impediments were we are left to surmise. Certain it is the petty political intrigue between

¹Wilkinson's *Memoirs*, ii., Ap. xc.

himself on the one side and Major Bruff and Colonel Hammond on the other offers no explanation.¹ He wrote John Smith very soon after the receipt of the dispatch of May 6th: "I shall obey the military mandate, for there I look for fame and honor."² He was therefore apparently eager to proceed. Why the delay? Is it not possible that Clark gave us the key when he said that the General wrote Burr, "I shall be ready before you"? His procrastination was deliberate, and could have been for no other purpose than to await the development of the conspiracy.

Wilkinson landed in Natchez the night of September 7th, and the next day outlined his programme to Dearborn: "I shall drain the cup of conciliation to maintain the peace of our country," he vaunted; but in the preceding paragraph he had remarked that he hoped the Spaniards would remain at Bayou Pierre until he arrived, and he had taken occasion to say that both Meade and Claiborne favored expelling the enemy altogether, not leaving them so much as a guard at Bayou Pierre.

"Governor Claiborne has, I understand, arrayed the militia in the western counties of the Territory of Orleans," he continued,³ "but I shall discourage their march until I have penetrated the designs of the Spaniard, and may find him deaf to the solemn appeal which I shall make to his understanding, his interest, and his duty. . . . Should I be forced to appeal to arms, to drive them effectually beyond the Sabine or cut them

¹Wilkinson to Dearborn, June 17, 1806; Jefferson MSS. John Smith to Jefferson, August 8, 1806; Jefferson MSS.

²Wilkinson to Smith, June 17, 1806; Jefferson MSS.

³Wilkinson to Dearborn, September 8, 1806; *Annals of Congress*, 1807-08, Ap., p. 568.

up, I shall endeavor to procure about four or five hundred dragoons and mounted militia from the two territories. . . . A blow once struck, it would appear expedient that we should make every advantage of it; and if men and means are furnished I will soon plant our standards on the left bank of Grand River."

The "designs of the Spaniard" must have been seen at a glance, for at no moment was the march of the militia discouraged. Moreover, to have spoken of designs was deliberate and calculated to work on the fears of the Government; he had assumed the extraordinary rôle he was to play to the end. While inditing this to Dearborn he was making arrangements with Governor Meade for the volunteers of Mississippi Territory to join him, and giving orders for the strengthening of various posts. Pointe Coupée was to be re-enforced with seventy-five men, which number, with a detachment of militia, he thought sufficient to capture the Spanish Governor, Grand Pré, with his garrison in Baton Rouge. Two hundred militia were to be added to the force on the Tombigbee, and the commander was to be ready to invest Mobile, while another body was to make a feint on Pensacola to prevent reënforcements being sent to the former. These instructions given, Wilkinson started for the front via Rapides on the Red River, at which place Claiborne awaited him. On the nineteenth the General appeared. He then addressed the Governor, discussing the menacing attitude of Spain, and advising the issuance of a proclamation interdicting intercourse between the contending parties, save as regulated under passports. He argued that this was warranted because of the vigorous policy pursued

by the enemy in permitting no one to pass to Nacogdoches unless known to be attached to Spain. Through this system of intercourse they were advised of all our plans, while we remained ignorant of theirs. Next he asked for the troops in New Orleans and every militiaman to be spared, and he wanted them to assemble at Natchitoches early in October.¹ Claiborne replied the same day that he could not issue the proclamation for fear of retaliatory measures being pursued by West Florida; the same effect, he thought, might be produced by prohibiting communications through Natchitoches, the only open route. Wilkinson could close this by issuing an order to prevent the passage of provisions to the Spaniards. As to the militia, the Governor promised a force of four hundred; the rest, because of the nature of the country to be defended, were to be reserved for emergencies.² Claiborne's steps had been taken with a view to war, and he urged upon the General that "no time ought to be lost in preparing to vindicate the national rights."

The inhabitants of the rural districts thought likewise. They came with such alacrity that in one instance a call for one hundred volunteers was answered by two hundred and fifteen. October 3d was the day appointed for the general rendezvous at Natchitoches, the headquarters of the American army, which place Wilkinson reached September 22d, two weeks having been spent on a journey accomplished in three days and a half on his return. If Claiborne and the people were

¹Journal, pp. 285-288.

²Journal, pp. 289-290.

chafing under delay and were eager to drive back the Dons, the commander of the army was still moving leisurely. The day Wilkinson left Rapides the Governor started for New Orleans, and the evening of October 6th reëntered his capital, where things were in a stir of excitement. The news that war was impending was hailed with enthusiasm. The *Orleans Gazette*, the leading journal of the city and the mouth-piece of the Americans, came out in a long article, which, after having announced that General Wilkinson had gone to the frontier, gave vent to pure revolutionary sentiment:—

“We are happy to learn that the Government has at length issued positive orders to repel the aggressions of our enemies by force. We have indeed suffered from them, almost beyond human endurance. Their intrigues to disturb the repose of this country; their maintaining possession of our territory between the Mississippi and Perdido for upwards of two years; their outrageous conduct towards our citizens on the banks of the Tombigbee;—these and a thousand other injuries and insults demand instant redress. . . . If the enemy be forced to recross the Sabine, he must be driven still farther; for it would be idle to suffer him to remain there quietly until he received reinforcements from the Southern provinces, which could easily be furnished him, inasmuch as the route from Natchitoches to Mexico is clear, plain, and open; and the country through which it passes well stored with cattle and forage. How it may be proper to pursue the enemy is a question of policy for our Government to decide. On this we may sincerely rely that our President, who had so large a share in accomplishing the independence of the United States, will seize with eagerness and exultation an honorable occasion that may offer for conferring on our oppressed Spanish brethren in Mexico those inestimable blessings of freedom which we ourselves enjoy.

. . . Gallant Louisianians! now is the time to distinguish yourselves. . . . Should the generous efforts of our Government to establish a free, independent republican empire in Mexico be successful, how fortunate, how enviable would be the situation in New Orleans! The deposit at once of the countless treasures of the South, and the inexhaustible fertility of the Western States, we would soon rival and outshine the most opulent cities of the world.”¹

This language seems none the less remarkable when we know that it came from the pen of Editor Bradford, who, a few weeks later, was throttled by Wilkinson on a charge of misprision of treason against the United States. He was a coadjutor of Burr, to whose enterprise he doubtless referred when he wrote that the President would seize with eagerness and exultation *an honorable occasion* “for conferring on our oppressed Spanish brethren in Mexico those inestimable blessings of freedom which we ourselves enjoy.” The document truly exhibits the underlying motives in all great revolutionary movements—the vindication of rights, the freeing of oppressed peoples, and finally the material reward. If war with Spain was avoided for almost a century, it was not for lack of moral support that it failed in 1806; nor does this admission do justice to the revolutionary audience that applauded the sentiments uttered by the *Orleans Gazette*, nor to the men who hurried to arms at the call of danger.

From Fort Adams and Natchez came the news that every preparation was being made to repel the Spanish encroachments, and that all the regular troops had

¹*Orleans Gazette*, September 23, 1806.

marched under Captain Sparks for Natchitoches. Major Ferdinand L. Claiborne was expected to pass toward the frontier at any hour at the head of the Mississippi militia and Captain Farrar's dragoons.¹ October 8th Claiborne informed the Secretary of War that the militia from the frontier counties, more than five hundred strong, had reported at Natchitoches, and that a detachment of one hundred regulars with military stores would set out in a few days from New Orleans.² Thus the American Army in the West rapidly concentrated at the old French trading post. The temper of the volunteers was no longer questioned. Claiborne wrote Dearborn on the twelfth that he was surprised at the readiness with which the ancient Louisianians took up arms. He conveyed also the intelligence that Wilkinson had written in his last letter (dated September 25th) that unless his orders were countermanded he "would soon have a meeting with the Spaniards."³ It looked as though the fate of the nation as to peace or war hung on Wilkinson's word.

This was the war which was to have called Burr's expedition into open array. Senator Adair avowed that "on this war taking place he [Burr] calculated with certainty, as well from the policy of the measure at the time, as from the positive assurances of Wilkinson, who seemed to have the power to force it in his hands."⁴ Wilkinson had gone further in his confidence with Adair, and, after the failure of the conspiracy,

¹*Orleans Gazette*, October 3, 1806.

²Journal, p. 305.

³Journal, p. 311.

⁴Letter of General Adair, dated Washington City, March 4, 1807.

attempted to disparage his character, accusing the Kentuckian of having gone to New Orleans in the fall of 1806 in the "dark."¹ Adair retaliated, quoting from the General's letters. In answer to a question in Adair's correspondence of January 27th—"Pray how far is it, and what kind of way from St. Louis to Santa Fé, and from thence to Mexico?"²—Wilkinson wrote:

"Do you know that I have reserved these places for my own triumphal entry, that I have been reconnoitering and exploring the route for sixteen years; that I not only know the way, but all the difficulties and how to surmount them? I wish we could get leave, Mexico would soon be ours."

More significant is his letter of September 28th from Natchitoches, in which Adair was assured that within six or eight days the sword would be drawn:

"The time long looked for by many and wished for by more, has now arrived for subverting the Spanish government in Mexico. Be you ready and join me; we will want little more than light-armed troops with a few ——— More will be done by marching than fighting; 5,000 men will give us to Rio ———; 10,000 to ———; we must here divide our army into three parts and will then require 30,000 men to conquer the whole of the provinces of Mexico. We cannot fail of success."³

Adair challenged the President to look into Wilkinson's conduct: "The Executive of the United States

¹Wilkinson's Letter, *Palladium*, May 21, 1807.

²Wilkinson's *Memoirs*, ii., Ap. lxxvii.

³Letter to Editor Bradford of the *Orleans Gazette*, published June 16, 1807; copied in the *Palladium* for July 16th. The blanks are in the copy.

seems to think it an unpardonable offense to meditate an expedition against the government, or rather the tyranny of Spain, by a citizen of the United States prior to a declaration of war. Let him then prosecute Wilkinson."

What character the war was to have assumed it is impossible to say; but war in some form was thought by Wilkinson to be certain. His letter to Adair had been preceded by one written from Rapides, September 18th, to a gentleman in Cincinnati, in which he graphically pointed out the situation:¹—

"My orders and the conduct of the Mexicans are so much at variance, and the Spanish commander at the head of fifteen or eighteen hundred men, has treated the strong remonstrances of Governor Claiborne and Colonel Cushing with such slight, after having traversed the territory east of the Sabine, where he has taken his nearest post, and menaced our establishment at Natchitoches, that I foresee an inevitable appeal to arms in the course of twelve days, if the Spaniards should not recede or I receive counter orders. And as Governor Herrera is an officer who has risen by his sword, and is reputed a man of great pride and spirit, I think it probable he will adhere to his solemn promise to maintain and defend his master's territorial pretensions to a point within seven miles of our post, and fifty east of the Sabine. Under these circumstances, but with a solemn determination to drain the cup of conciliation before I draw the sword, I have called for about seven hundred militia, which is the sum total I am to expect from this Territory and the Mississippi Territory, to be assembled at Natchitoches the fifth prox. It is not improbable hostilities at this point will be instantly followed by an appeal to arms in West Florida. I will write you again in about ten days, when I fear you will be informed blood has been spilt. I have two Span-

¹*National Intelligencer*, November 17, 1806.

ish Governors opposed to me, Herrera and Cordero, of whom and their two thousand men, I shall with less than twelve hundred give a good account."

In spite of exaggerations concerning the strength of the enemy, Wilkinson had grasped the essentials of the situation. War could be circumvented in two ways—by the withdrawal of the Spaniards, or by modified orders from the Executive. The latter exigency, however, was not to be anticipated; but already the possible contingency of the former appealed to him. He feared for his plans, but took courage, knowing that Herrera, a man of "pride and spirit," had vowed to maintain his Majesty's territorial pretensions. Nevertheless, Wilkinson was far too cunning to be found at the end of his resources. His career of double-dealing in Kentucky—where, at the same moment, he had flattered Miro with the prospect of drawing the West into the Spanish net and indited a pleasant petition to Congress—was destined to be far eclipsed. And he was not long in giving evidence of his disposition. He wrote at length to Senator Smith:

"I have made the last effort at conciliation in a solemn appeal to Governor Cordero, at Nacogdoches, who is in command on this frontier; Colonel Cushing bore my letter and is now with the don. I expect his return in four days, and then—I believe, my friend, I believe I shall be obliged to fight and to flog them, for I shall advance into the contested tract the moment I have provided horses for four light pieces of artillery, our camp equipages, and a little provision. The orders of the Spaniards are, I know, peremptory to maintain the jurisdiction of the grounds to the sovereign; of consequence, they must make an attempt to oppose me; and I shall as surely push

them over the Sabine and out of Nacogdoches as that you are alive, although they outnumber me three to one. What may follow, I know, for I verily believe that preparations have been made in the interior of the provinces, to bring forward to this frontier as many men as they may deem necessary, and commanding as they do a thousand or a million of mules and horses at their will, with a country covered with beef cattle, no difficulty can occur on the score of provisions. If therefore, this business should not be speedily terminated by negotiations you must speedily send me a force to support our pretensions, or we must yield them up, together with the Territory of Orleans. Five thousand mounted infantry to operate as dragoons, or fight on foot, may suffice to carry us forward as far as the Grand River; there we shall require five thousand more to conduct us to Monterey, the capital of the province of Nuevo Reino de León; after which, from twenty to thirty thousand will be necessary to carry our conquests to California, and the Isthmus of Darien. I write in haste, freely and confidentially."

Perhaps nowhere does Wilkinson betray more of what he hoped the crisis would lead to. The forces that Smith was to send him were none other than those gathering under the auspices of Burr along the Ohio and the Cumberland; and these were to save the Territory of Orleans and "carry our conquests to California and the Isthmus of Darien." Wilkinson had not yet discovered that Smith was a traitor, and that the men he solicited plotted not only the conquest of Spanish America to the Isthmus, but also the subjugation of the Mississippi Valley!

If Wilkinson, like many others, believed it possible to overrun so much of the soil owning the allegiance of weak-minded Carlos, the tireless locksmith and sportsman, it was not easy of accomplishment. So confident

were the Spaniards in Mexico, they were disposed to sneer. The official organ of the viceroyalty, the *Gazeta de México*—commenting on some paragraphs from the *Moniteur de la Louisiane*, the journal of the French population of New Orleans, concerning the advance of the Americans—shows that there were fears of an invasion. While nothing serious was anticipated, the Americans were roundly abused.

“Nobody doubts,” penned the arrogant editor of the *Gazeta*,¹ “that if these forces have determined to enter the dominions of the King of Spain (to prevent the shedding of blood, as they say), the few troops we have there will be driven back and the country occupied. But this will be unavailing in the face of the measures taken by the commander of the Internal Provinces, Don Nemesio Salcedo. . . . In conclusion, if the Americans continue the hostilities (perhaps for maliciousness) which they propose, they will retire crushed and broken (*con los cascos machacados*).”

The defiant spirit of the Capital was but feebly echoed in the camps along the Sabine, where were starvation and insubordination. That the corps under Cordero and Herrera were infected with treason and mutiny was unknown to Iturrigaray and his coterie of political marplots. Indeed, had they been aware of it, there was little remedy; the moneys which ought to have been expended for the provinces, for the army guarding the rich lands of Texas, for hundreds of needs of the colonies, were exported to replenish the empty tills of the home Government. Every interest of the colonies was sacrificed on the altar of the

¹*Gazeta de México*, November 5, 1806; Mexican Archives.

Metropolis, which was as blind and deaf as its agents to the unfolding revolution; as insensible of the fact that the whole fabric of the Spanish colonial system was rotten and to be cast away. If the King expected the unhappy *Criollos* to execute against the Americans the dire prediction uttered by the *Gazeta*, the short space of four years brought answer in the *Grito* of Hidalgo at Dolores, and in the slaughtering of the *Gachupines* in the Alhóndiga of Las Granaditas. As to the leaders, Cordero was stern with age and a thorough-going Spaniard; but Herrera, who had traveled and was familiar with the system of government of the United States and the language of its people (one of whom he had wed), was the last man to bring, if escape were possible, a calamity upon the country he served.

Cordero, the ranking officer, was encamped at Nacogdoches. About half the army was under his immediate direction, while the rest, some four hundred men, under Herrera bivouacked at Bayou Pierre. But when Wilkinson reached Natchitoches it was not with Herrera, commander of the offending corps, that he opened communications. The day following his arrival he made his first remonstrance to Cordero. Referring briefly to the correspondence which had passed between Cordero and Cushing, Herrera and Claiborne, the General plunged into a discussion of the merits of our territorial claims, laying special emphasis on the French view. In his characteristic language he explained that the President had ordered him to hold the east bank of the Sabine as the temporary limit of the United States,

and that he meant to do this at any cost. The Spanish troops to the east of the Sabine were invaders, as the Government had pronounced them on a former occasion, and if they chose not to evacuate, then must they be expelled by force.¹

Cordero's reply, dated September 29th, was curt and anything but satisfactory. It was not in his power, he said, to act contrary to the orders of his superior, and they forbade yielding the point under discussion. While he regretted the situation he could do nothing until he heard from Salcedo, to whom he had dispatched a special messenger. This situation was apparently all that Wilkinson could wish. The motley Mexican militia would not be withdrawn, and the "meeting" of which he had written to his friends was certain of issue.

But the best-laid plans are frequently undone. The twenty-seventh of September, while Burr sat at a banquet in Nashville and the crowd lustily cheered the toast of Jackson, "Millions for defense; not one cent for tribute"; while the American army burned with eagerness to try their metal on the foe, and Jefferson listened tremulously for the announcement of the rupture, Herrera, exercising his own discretion, ordered a retreat—and the Spanish flag had waved for the last time over Bayou Pierre! The crisis was past. There was no longer the remotest possibility of a conflict—there remained not a foreigner to the east of the Sabine. Thus at the very moment when it appeared the long-

¹Wilkinson to Cordero, September 23, 1806; MSS. Bexar Archives.

anticipated struggle would begin, a hollow serenity fell upon the scene. Herrera had written more than once that he meant to preserve inviolate that region to the King;¹ nevertheless, without warning and without warrant, he raised his camp. No doubt he realized the hopelessness of holding out against the superior force of Wilkinson; that the question of war or peace rested with him, and he acted on his own responsibility. Could he have foreseen the inevitable disasters involved in a war with the United States? The enemies of the General were prone to say that Herrera was bribed, but that was far from the truth. Wilkinson played no direct part in forming Herrera's resolution, and could have been only dismayed at the sudden withdrawal, which had determined the matter of peace or war, which had rendered vain one set of his plans and plots, and which had within four and twenty hours converted his life-long friends into enemies—even traitors!

¹Wilkinson's *Memoirs*, ii., xciii.

CHAPTER VI.

Wilkinson's Duplicity



WHEN Wilkinson had recovered his equanimity after the retreat of Herrera, he quickly devised another schedule of operations. It was no less a one than to abandon Burr—if indeed he had not always intended doing so—to strike a compromise with the Spaniards, and to drive his own criminal ends with an impetuosity and finesse which were only too successful. October 4, 1806, he rendered to the Government an account of things on the border:—

“The Spaniard,” he wrote Dearborn,¹ “raised his camp at Bayou Pierre on the twenty-seventh ultimo, . . . and on the thirtieth crossed the Sabine and took post on the right bank, where Colonel Cushing left him the first instant. . . . I shall continue my preparations for defense and offense, and to wipe off the species of stigma which cavilers may attach to the Spaniards’ repossession of the ground from whence we had driven them; to give confidence to our friends, to confirm the wavering and the disaffected; and, above all, to assert unequivocally the pretensions of the government, I have taken post within the limits claimed by the officers of Spain, and in a few days shall move forward to the east bank of the Sabine, where I shall wait the answer of the Captain-General Salcedo.”

Had the wavering known what was now in his mind they would no doubt have been won over, while

¹*Annals of Congress 1807-08, Ap., p. 570.*

the confidence of his friends would indeed have been unbounded. Unhappily neither his friends, his enemies, nor yet the wavering, knew the inner history of this campaign. We shall see at once that he did not move forward on schedule; that he did not assert unequivocally the pretensions of the Government to the land in dispute; and that he did not, as he stated in the same paper, dismiss the militia. The day he started the above letter to Washington, he wrote cordially to Cordero in reply to his note of the twenty-ninth ult., which had been received at the hand of Cushing:

‘I shall despatch my troops to the Sabine,’ he said dispassionately, ‘and I hope you will interpret the motive only as signifying the pretensions of the United States to the east bank of the river, and not as an act of hostility against the Spanish troops. The honor of the United States demands the move, and it is justified by the position assumed by Governor Herrera next the Sabine, twenty leagues from the post of Nacogdoches.’

Nothing is here said of asserting the authority of the United States unequivocally—it is only *pretensions*. This specific message was clearly intended to open the way to an understanding with the inexorable Governor, and the utter ignoring of the subject-matter of his correspondence was another step in this direction. From this time forward Wilkinson exerted himself to the utmost to make friends of the two opposing leaders, but with ill success in the case of Cordero, whose response was as emphatic as unconciliatory:

“I see by the letter of your excellency of the fourth inst.,” he wrote, ¹ “which I have just received, that against

¹*Military Affairs*, i., 205.

my hopes, you have marched your troops toward the Sabine. . . . Your excellency is well acquainted with the sacred duties of a soldier: I must in consequence declare to your excellency that, though the results which your excellency has undertaken ought not, in any manner whatever, to be considered as an act of hostility provoked by my government, I must oppose myself to it in the discharge of the obligation which I am under, to oppose myself to the aggressions of the United States, and to preserve entire, as far as lies in my power, the dominions of my sovereign."

Cordero's declaration that he meant to oppose the march of the Americans was a bit of idle talk, for he never so much as left the fort at Nacogdoches in the discharge of his obligation to oppose "the aggressions of the United States." And it was well that he did not, for the idea of employing force had been abandoned by those in authority. Herrera was justified in having retreated from the disputed tract by Salcedo, in an order dated October 24th, from the Hacienda de los Ornos; likewise Cordero. The Captain-General's words to the latter were to the effect that under no circumstances should an attack be made on the American forces; the territory in dispute should not be jeopardized, though it were many times occupied.¹

October 8th, two weeks after the retreat of Herrera, while Wilkinson was still idle in camp, though professing to be in the utmost haste to follow the retreating Spaniards to the Sabine, Samuel Swartwout, after a long pursuit of the General, reached Natchitoches with Burr's famous letter of July 29th.² It was in the even-

¹Salcedo to Cordero, October 24, 1806; MSS. Bexar Archives.

²See p. 69.

ing, and Wilkinson was alone with Colonel Cushing of the Second Infantry, when Swartwout appeared with a note of introduction from ex-Senator Dayton.

Cushing subsequently deposed that the morning after Swartwout's coming the General said to him that he had some serious information to communicate. After asking Cushing whether he had heard of an enterprise being under way in the West, he related that "a great number of individuals possessing wealth, popularity, and talents [were] associated for purposes inimical to the Government of the United States." Burr was at their head and Swartwout, who had brought the cipher letter containing this treasonable information, was his emissary. Burr had funds; the navy was with him; and Wilkinson was to be second in authority, distributing honors and emoluments to the officers under his command. But the General avoided saying a word as to the ulterior objects of the expedition forming in the West: the matter of attacking Baton Rouge, and of advancing into a land where the natives were ready to receive them. Already, however, the General had devised plans for the crushing of the movement; these he confided to Cushing. He would march at once to the Sabine and make terms with the Spanish commander, and then take what measures he thought the safety of the country demanded.¹ This resolution seems to have been reached over night; but in reality the arrival of Burr's packet was only the occasion for its enunciation—the outlines of his course had been fixed, the details were to be determined by events.

¹Wilkinson's *Memoirs*, ii., xcii.

A single night—the larger part of which, according to the General's own evidence, was spent in deciphering Burr's letter—is hardly time to mature a deeply involved piece of human action.

Swartwout remained a week at Natchitoches, during which time, according to the General, he opened up to him the whole of the infamous business of the crew of traitors. Wilkinson made much of these alleged disclosures, but no reliance whatever, as we shall see, can be placed in his story. At the moment of Swartwout's departure for New Orleans Farrar's dragoons rode into camp, and in the company was one Walter Burling. He was known to the General, and the very day he reached the camp the secret of the conspiracy was opened to him, his opinion being asked as to measures to be pursued. But before answer could be made he was told by the General that he himself had come to a decision:¹ and strange to say it was the same as that given Cushing the morning after the receipt of Burr's letter. Burling, who was only a well-to-do farmer living near Natchez, was at once taken into the official family of the commander-in-chief—made an aide-de-camp, and thereafter remained his "dear and well-beloved friend." This rapid promotion and display of confidence arouses the suspicion that they had stood on common ground at some former period; and such a haunting suspicion is almost confirmed by their later relations.

Wilkinson, after the receipt of Burr's famous letter, which he declared to be treasonable, spent two weeks in Natchitoches in apparent unconcern. It was not for

¹Burling's Deposition, Wilkinson's *Memoirs*, ii., Ap. xcvi.

want of troops or supplies that he delayed his march to the Sabine; nor was his silence prompted by patriotism. Delay and silence on his part were alike necessary to developments in the West. He knew that if he promptly reported his information to the President, or to the governors of the Western States, the flotillas preparing on the Ohio and Cumberland would be seized on the stocks. That, in truth, was not the exit the General wished for; and never during the course of the excitement did he send a word of warning to the authorities in the Ohio country.

The time came when Wilkinson was ready to play another card—a trump. He knew that the Government had heard through the journals the alarming stories from the West (he had kept close track of the newspapers, as we know from his correspondence) and he judged, and rightly, that the Administration would be uneasy, ready for his denunciations. So, October 20th he wrote to the President that, from information based on “broad and explicit grounds,” he had discovered that a powerful association, extending from New York through the Western States, had been formed for the purpose of leading an expedition against Vera Cruz:¹—

“Agents from Mexico, who were in Philadelphia in the beginning of August, are engaged in this enterprise; these persons have given assurances, that the landing of the proposed expedition will be seconded by so general an insurrection, as to insure the subversion of the present government, and silence all opposition in three or four weeks. . . . Active influential characters have been

¹Wilkinson's *Memoirs*, ii., Ap. xcv.

engaged in these transactions for six or eight months past; and their preparations are reported to be in such a state of maturity that it is expected the van will reach New Orleans in December, where the necessary organisations and equipments are to be completed with promptitude, and it is proposed that the expedition should sail for Vera Cruz about the first of February."

Had Wilkinson stopped there he would have come near the truth; but after telling Cushing and others that Burr was at the head of this association, at whose bottom was treason, he had the audacity to say to the President that it was "unknown under what authority" the enterprise had been projected; and that the "intention of its leaders, in relation to the Territory of Orleans," was a matter of doubt. This letter was purposely ambiguous and non-committal—the way had to be prepared. The day following, in a confidential dispatch to Jefferson, he said:

"Although my information appears too direct and circumstantial to be fictitious, yet the magnitude of the enterprise, the desperation of the plan, and the stupendous consequences with which it seems pregnant, stagger my belief and excite doubts of the reality, against the conviction of my senses; and it is for this reason I shall forbear to commit names, because it is my desire to avert a great public calamity, and not to mar a salutary design, or to injure anyone undeservedly."¹

Had Jefferson exercised even ordinary discernment he must instantly have seen that Wilkinson was untrustworthy, for in one part of his letter he declared the other false:

"I have never in my whole life found myself in such circumstances of perplexity and embarrassment as at

¹Wilkinson to Jefferson, October 21, 1806; Letters in Relation.

present; for I am not only uninformed of the prime mover and ultimate objects of this daring enterprise, but am ignorant of the foundations on which it rests, of the means by which it is to be supported, and whether any immediate or collateral *protection*, internal or external, is expected."

The names he forbore in the first paragraph to commit, by the next had never been part of his information. Extraordinary! But more extraordinary was the masterly way in which he introduced the subject of the treasonable side of the conspiracy:

"Should this association be formed in opposition to the laws and in defiance of the Government, then I have no doubt the revolt of this territory will be made an auxiliary step to the main design of attacking Mexico, to give it a new master in the place of promised liberty. Should the fact be ascertained to me, I believe I should hazard my discretion, make the best compromise with Salcedo in my power, and throw myself with my little band into New Orleans to be ready to defend the capital against usurpation and violence."

After this sentence—remarkable not only for its cunning dissimulation, but also for its characterization of the expedition and the fling at Burr—he stated his programme, which was indeed a frank divulgence of what was in his mind, a foreword of the history of his violent usurpation of power in New Orleans. There was, moreover, to this letter a foot-note. The defense in the trial at Richmond took Wilkinson to task over it; but he attempted to extricate himself by swearing that the "N. B." in question was a subsequent addition. The original MS., however, bluntly contradicts him:

"Should Spain be disposed to war seriously with us, might not some plan be adopted to correct the delirium

of the associates and by a suitable appeal to their patriotism to engage them in the service of their country? I merely offer the suggestion as a possible expedient to prevent the horrors of a civil contest, and I do believe that with competent authority I could accomplish the object."

Had Wilkinson left no other trace of his desperate effort to make out a case of treason against the Westerners—which effort was singularly abetted by circumstances and the cumulative energy of a score of years of history of Spanish intrigue and discontent in the West, and little understood—had Wilkinson left no other trace of his vicious manœuvres, of his brazen double-dealings, this note would irretrievably condemn him. He represented to the President that Burr's followers were desperate "bandits"; but to make himself secure in any case, he indicated that they might be diverted from their purposes of treason and led against the Spaniards. Truly a wonderful spectacle, a body of traitors metamorphosed into patriots!¹

While thus engaged in launching his schemes, scattering alarms in every direction, he did not fail to provide for his own safety. He knew that already the *Lexington Gazette* and the *Western World* had assailed his character with incontrovertible evidences of guilt—"intriguer and pensioner of Spain, now associated with Aaron Burr in reviving the old Spanish Conspiracy"—while, in Congress and out, grave suspicions were aroused against him. The storm was gathering, but with the President to sustain him it might rage unheeded. Therefore, Jefferson's sympa-

¹It is quite remarkable that this foot-note should have been ignored by historians. It vitiates whatever value the letter might otherwise have had.

thies were to be enlisted—he was to be drawn into his designs and so compromised that retreat would be impossible.

In a second letter of October 21st he confidentially related to the Chief Executive that a paper (the *Western World*), recently established in Kentucky for the purpose of taking part in the next Presidential election (this would appeal to Jefferson), had attacked him (Wilkinson), and that he had been “bespattered with obloquy and slandered with a degree of virulence and indecency surpassing all example.”

“I have at times been fearful,” he complained,¹ “your confidence might be shaken by the boldness of the vile calumnies leveled at me; but the reflection that I have not only enjoyed but merited the confidence of General Washington and his administration, anterior to the introduction of Pinckney, and that the same illustrious character died my friend; and that the honest but wrong-headed President Adams approved my conduct in opposition to his Ministers, combined with the consciousness that the wealth and power of the wide world could not for a moment divert my course from the path of honor, dissipated my apprehensions and determined me not to descend to the task of refuting by . . . *testimony* and *authentic documents*, every imputation alleged against me, from the most frivolous to the most sane; I therefore contented myself by directing my attorney to bring an action of slander against the printers, to test their authorities in a court of justice.”

If suit was ever brought in Wilkinson's name against Street & Wood, publishers of the *Western World*, no record of it has appeared. The mass of “testimony and authentic documents,” we do not lack,

¹Wilkinson to Jefferson, October 21, 1806; Letters in Relation.

as he did descend to the task of refuting the charges—and we have his *Memoirs*, which will ever remain a ponderous proof of his infamy. To Jefferson the authentic documents were unnecessary; but Wilkinson, trembling lest the thread of his life should be “unseasonably cut,” vowed to the President that they were in existence and might be available “to silence the misrepresentations of my enemies and to justify your predilection”:

“Pardon, I beseech you, the honest pride which impels me to bare my bosom to you.— My ultimate views are limited to the acquisition of an honorable fame.— I have ever contemned the sordid interests of the world, and estimate property by its immediate utility only — and it is the highest ambition of my soul on a proper occasion, to spend my last breath in the cause of my country.— A frail character, but a just one. To you I owe more than I will express, lest I should be suspected of adulation, which I detest. Suffice it [that?] I shall serve the nation with zeal and fidelity, and that your trust can never be disgraced.”

Within two weeks his “ultimate views” were limited to the acquisition of an “honorable” fortune, and Jefferson’s trust was already disgraced. Apart from the unmasking of his character, the real importance of the foregoing letter hangs on the mention of the *Western World*. It proves that the attack on Aaron Burr and his project were not unknown to the man who had “not only enjoyed but merited the confidence of General Washington,” and who was conscious that ‘the wealth of the world could not for a moment divert his course from the path of honor.’ Indeed, early in the

year the General had been successfully pricked by communications appearing in the *Lexington Gazette*. He was there charged with thoughts and deeds which caused him so much uneasiness that he essayed a sweeping denunciation of the whole catalogue:—

“Several vile, malignant, and groundless fabrications,” he wrote to Editor Daniel Bradford of the *Lexington Gazette*, “having lately issued from your press with design to stab my reputation, I should feel myself unworthy the confidence with which I am honored, did I suffer them, however contemptible, to pass unnoticed. . . . This may be considered the last desperate resort of an expiring faction. . . . I have barely time before the departure of the mail to assure [you] that the innuendoes and assertions of this letter writer are substantially false and groundless.”¹

Wilkinson saw that Burr was joined with him in an enterprise which was declared to embrace the old idea of the Spanish Conspiracy with the new one of the invasion of Mexico; that the people were wrought up to a high pitch of excitement, and, keen-witted as he was, he realized that the moment for action had arrived—the moment when he should redeem his fame and fortune! He knew from his own earlier experiences that no power could commit the West to the cause of treason, even though at the moment that was the talk of every countryside. So outspoken were the Westerners in their professions of loyalty, he hesitated long before making the charge of disaffection, which he feared could never be supported. His first representations charged simply misdemeanor, open and avowed,

¹*Lexington Gazette*, May 10, 1806.

or the crime of plotting the unlawful invasion of a neighboring sovereign's domains. Notwithstanding, he was assiduously agitating the former view, and did more than all other forces to fasten the stigma of treason on the followers of Aaron Burr. Even while making his reports to the Government, and outlining his programme of peace with the Spaniards, he cajoled his brother officers with the likelihood of a war, never mentioning the crisis rising along the Ohio. Two days after his plaintive letter to the President, and the day he set out on his march to the Sabine, he wrote to Colonel Freeman, commander in New Orleans:¹—

“Under my present views and impressions, I have not the least doubt, we shall soon be engaged in hostilities, and therefore, every preparation for defence should be made, which our humble means may enable. By buying up all the paper to be had in this country, I have made up about thirty-five rounds of musket cartridges for six hundred men—a handsome stock for a campaign, and when it may become immediately necessary, to quadruple our force.”

When Wilkinson wrote this he knew there was no probability of an engagement taking place; he set out on his march with but one object in view—to make peace with the Spaniards. On the other hand, he brought his letter to a close in a paragraph calculated to try the nerves of any man:

“Your place,” referring to the rehabilitation of the old forts about New Orleans, “is to be completed about the twentieth of December, and in those works have all your artillery, arms, and military stores and utensils

¹Wilkinson's *Memoirs*, ii., Ap. ci.

secured. Should this operation excite enquiry, you are to say the plan of fortification has been varied, and that the Secretary of War has ordered the repairs of the old work. I cannot explain to you, at this time, the causes which prescribe this measure; but they are of a nature too imperious to be resisted, and too highly confidential to be whispered, or even suspected. Your silence, therefore, must be profound; and while you pursue the operations most industriously, you must show no anxiety, nor offer allusion (even conjectural) to any specific object."

A month after Herrera had raised his camp, almost a month after Wilkinson had written that he would be ready to advance, he actually set out with flags flying and scouts and skirmishers in order, fearing, as he said, an attack. It was an idle march, selfishly begun and disgracefully ended. The graphic descriptions some writers have left us of how Wilkinson manœuvred the Spaniards out of the land, closed an advantageous treaty with them, and rushed in the breach to save the Nation from an army of traitors, once more forcibly illustrates that history can be woven of fiction, and that truth itself may be oftentimes buried under the black stain of the false!

Without meeting with so much as a Spanish patrol, the American army halted, October 29th, on the east bank of the Sabine. Wilkinson had the day before sent a dispatch to Cordero by his aide-de-camp, Walter Burling, which was to the effect that, without yielding a pretension or ceding a right, the two powers should retire to Nacogdoches and Natchitoches respectively. Another condition was that the Spaniards should not cross the Sabine, nor the Americans the Arroyo Hondo. A copy of these proposals, Burling tells us, was left

with Herrera, who commanded on the Sabine. At noon, November 1st, the aide delivered his note to Cordero; the third, Burling started back with Cordero's answer. The old cavalier, from the fort of Nacogdoches which the American filibusters were to occupy a few years later, replied, as he had done on another occasion, that he could do nothing; that Salcedo held the final decision; and that the proposition had been sent to him with all haste. The Captain-General, however, was not destined in the first instance to pass upon it—there was no time to wait for his judgment.

When Burling on his return reached the Spanish camp on the Sabine, Herrera announced his acceptance of the articles. The next day, November 5th, Inspector Viana appeared in the American camp, and the pact known as the Neutral Ground Treaty was duly concluded.¹ For Wilkinson this was a great triumph—in the eyes of the world the greatest he ever won. It was, in fact, but a phase in an unsurpassed scheme of imposture and rascality. Such a reconciliation was absolutely essential to the success of his own designs.

The day after the celebration of the pact of peace with Herrera, Wilkinson sent the following dispatch to Cordero:

“The conciliatory aspect of your letter which I had the honor to receive yesterday by the hand of my aide-de-camp; Mr. Burling, and the pacific tenor of your correspondence, have removed from my mind the idea of premeditated hostilities on the part of Spain against the United States. After I have complied with my orders in proclaiming the jurisdiction of the United States here,

¹Wilkinson's *Memoirs*, ii., Ap. xcvi.

it is my desire that the act shall in no wise lessen the amicable spirit existing between my government and the government you have the honor to serve. I shall in a day or two move my troops from this point to Natchitoches, and I trust that the orders to the troops under your command will not be varied, and will be strictly observed until the conclusion of the negotiations now pending."

It was a clever ruse of Wilkinson to pretend that he had "proclaimed the jurisdiction of the United States" to the Sabine; only the initiated knew that over the region from the Arroyo Hondo to the Sabine neutrality had been declared; and it was singularly presumptuous in Wilkinson to suppose that Cordero could or would conform to the stipulations of a treaty to which he, as superior officer, had not assented, and which from its very irregularity could have no binding force. The General, however, was satisfied with the situation, which promised at any time to reopen the controversy, and turned with eagerness to the more serious part of his programme—the first act of which was to deceive his army. The morning of the fifth of November the following general order was read by Burling to the army which was mustered for review:

"His Excellency, Governor Herrera, the military chief, immediately opposed to this corps, having agreed to withdraw his troops to Nacogdoches and to prohibit their recrossing the Sabine River pending the negotiations between the United States and Spain, the objects of this expedition are accomplished and the camp will, of course, be raised to-morrow or the next day, and Colonel Cushing will lead back the troops to Natchitoches."

When the reading was finished the General proceeded to praise the army in grandiloquent terms for

having served the country so bravely and so patriotically, flattering in turn each individual company. And thus was announced the Neutral Ground Treaty.¹

It was highly politic in Wilkinson to conceal the real terms of the treaty. The Spaniards were not to cross the Sabine, but he said not a word about the Arroyo Hondo marking the boundary for the Americans. And it was well that the volunteers, who had been chafing under enforced idleness and who longed for the din of battle, were doubly deceived; as it was, there was great discontent at the retreat, although the first tremors of the Aaron Burr alarm had already penetrated the camp on the frontier. As late as the trial at Richmond the General covered up his treachery by refusing to submit the text of the "Convention," throwing the matter back on the Executive with the words, "I do not think myself at liberty to divulge its contents;"—answering, "I cannot tell" to the query, "Has the jurisdiction of the United States ever been exercised as far as the Sabine?"² He knew it had not; so did Jefferson; both were indisposed to answer the question. The fact was that the spoils had been surrendered, and both the President and his agent were loath to give out the ill news. The impression was abroad that the Spaniards had acknowledged the rights of the Union to the Sabine—the ambitions of the Republic were therefore prospering—and it would have been a shock, dangerous at the moment, to have dispelled the illusion. It was

¹It was of course in no legal sense a treaty; it was merely an agreement between unaccredited agents of the two governments. It was, however, in a measure, observed until superseded by the Treaty of Washington (1819).

²*Annals of Congress*, 1807-08, pp. 226, 227.

only by degrees, slow degrees, that the curtain was lifted.

While Wilkinson was using a free hand in disposing of affairs on the Sabine, the country was eager for the news of war. The Cabinet—four heads of Department being present—after discussing at length the scheme of Burr,¹ carefully canvassed the situation in Louisiana.

“October 22. Spain has moved to Bayou Pierre a body of 1,000 or 1,200 men, mostly militia; but 300 regulars are to join. Our regular force in Mississippi and Orleans Territories numbers 631—exclusive of 210 at New Orleans;—augmented by 240 recruits, the strength is 1,081. At Tombigbee is a garrison of 130. But even with this strength Wilkinson asks for 500 mounted men to secure his operations. Governor Meade offers 250 volunteers for service west of the Mississippi—500 on the east. Claiborne counts on 500 volunteers from the western counties of Orleans. It is agreed unanimously to require 500 militia mounted on their own horses from those territories and for a period of six months, and to be ready when called for by commanders of regiments. The marines at New Orleans shall do garrison duty so as to relieve the troops from the city who may be sent up to Natchitoches.

“October 24. Agreed unanimously that Preble and Decatur are to go at once to New Orleans to take command of the sea forces and that this shall be reinforced after consultation with Smith and Gallatin, if money warrants. Preble shall have discretionary powers on consultation with Governor Claiborne.”²

Strong measures, however, were not long advocated. Reports of the conspiracy, threats of war with England, and news from Europe caused the Govern-

¹See p. 93.

²Cabinet Memoranda, Jefferson MSS.

ment to seek a peaceful way out of the Spanish embroglio. November 8th, three days after Wilkinson's propositions had been accepted by Herrera, the following order to the General emanated from the Cabinet:¹—

‘The great probability of an amicable and early settlement of our differences with Spain at Paris has rendered the Executive extremely desirous of avoiding hostilities. He has therefore determined to assume the Sabine as the temporary line; and that the Spaniards shall not hold any fort save Bayou Pierre beyond the Sabine.’

But hostilities were thought to have begun already. In that case Wilkinson was to propose to the Spaniards:

‘1. That hostilities shall be suspended—that the Sabine shall be accepted as the temporary boundary—the Americans not passing to the west, the Spaniards to the east.

‘2. Intercourse shall be restored between the citizens dwelling on either side. Or, as an alternative, that intercourse shall not be resumed.

‘3. Neither party shall establish military posts, but may strengthen those held.

‘4. Neither party shall incite the Indians to take up arms.

‘5. Citizens or subjects, prisoners of either, shall be released.

‘6. The supreme authority of either nation may revoke the treaty, but no action shall be taken without a month's notice.

‘Notes.—If you cannot agree on the Sabine, make some other boundary. It is imperatively ordered that if hostilities have not begun, Wilkinson must remain on the defensive; and in no event cross the Sabine River. If hostilities have begun, and any Spanish posts east of the Mississippi have been taken, they will be surrendered in case of agreement to suspend hostilities.’

¹Cabinet Memoranda, November 8, 1806; Jefferson MSS.

The anxiety of those in power was manifest. Once they had hesitated to move, but the time was now come when war was tacitly accepted, if the foreigners chose to insist on what they deemed their rights—territorial rights which were in conflict with the limits of Louisiana as set by the Americans. However, another turn of the wheel had changed the combinations, and Jefferson was seized with his chronic malady—fear of war and of European entanglements. Once more, with the same empty result, he pinned his faith on Napoleon, who, he believed, meant to settle the dispute creditably. For a moment, too, his easy confidence in the loyalty of the Westerners wavered on the receipt of the news of the formidable preparations of Aaron Burr. Not even the hope of the conquest of the Floridas, in his mind, warranted the continuance of the war (war was supposed to have begun); and these precious dominions, much as Jefferson yearned for them, must be returned to the enemy in case they had been taken. Such a state of affairs forcibly recalls the time when, through our national weakness, we were brought humbly to the feet of the powers of the Old World.

But Jefferson, as well as Wilkinson, was misled in believing that the Spaniards had crossed the Sabine for the purpose of fighting. The President was doubly misled, because he calculated on a speedy and complete fulfillment of the orders which had been issued concerning the expulsion of the enemy. Nevertheless, Wilkinson's procrastination was unparalleled, and now that but one course was open he entered it naturally. The idea of a neutral ground was not original with

him, for the Government had discussed it; but that he should have anticipated the wish of Jefferson was a strong point in his favor.

Those who wielded the delegated Bourbon authority in New Spain at once appreciated the advantages which had accrued to them through the establishment of the *status quo*. The Captain-General of the Internal Provinces left Chihuahua for the frontier as the danger seemed to increase. The news of the agreement reached him at San Antonio de Bexar, whereupon he wrote, December 3d, to Viceroy Iturrigaray that "this treaty insures the integrity of the Spanish dominions along the whole of the great extension of frontier."¹ Much correspondence passed between the Viceroy and the home Government concerning not only the establishment of the *status quo*, but also the dangers which might arise from the Anglo-American peril.² The treaty itself was accepted as a real victory; and indeed such it was. Without warrant of Congress, without the consent or advice of the Executive, Wilkinson compromised the claim of the United States to what was known as the Neutral Ground; and without the shadow of authority rendered ridiculous our pretensions to the Rio Grande as the western limit of Louisiana! The mere recognition of a neutral ground presupposed two adjacent areas whose titles are not in doubt. When the matter was finally settled in 1819,³ instead of being

¹Salcedo to Iturrigaray, December 3, 1806; MSS. Bexar Archives.

²Real Cédulas, vol. 198; MSS. Mexican Archives.

³Treaty of Amity, Settlement, and Limits between the United States of America and His Catholic Majesty; *Foreign Relations*, vol. iv.

able to offer Texas for Florida—West Florida had come to us (1810) by revolution, and had been annexed to Louisiana, though we chose to respect the feelings of Spain by pretending to buy it—we were obliged to lay the honest debts of our citizens in the scales. Not meaning in any sense to justify the contention that we were by right entitled to the Rio Grande as our boundary on the west, it is necessary to view the matter in the light of the time. We claimed the province of Texas, or at least a part of it; had carried on heated diplomatic negotiations concerning it, and thus to yield it¹ without a blow was inexplicable to all save the General who knew the price of peace.

With quiet restored on the Sabine Wilkinson hurried to Natchitoches, which he reached the seventh of November. The same day he sent to Colonel Cushing, who was leading the army to New Orleans, and to Colonel Freeman, documents of varying degrees of intelligibility.

“By letters found here,” he revealed to Cushing,² “I perceive the plot thickens; yet all but those concerned, sleep profoundly. My God! what a situation has our country reached. Let us save it if we can. You must instruct Strong by my authority, and therefore leaving

¹For one to realize how lightly this matter has been passed over by historians a few quotations only are necessary. Henry Adams (iii., 314) says: “He [Wilkinson] sent his force forward to the Sabine, and passed ten days in making an arrangement with the Spanish officers for maintaining the relative positions of the outposts.” McMaster barely mentions the treaty. Schouler avoids the subject altogether. Hildreth, like many others, makes the palpable error of stating that the Sabine was made the temporary line of demarkation. Jefferson, in his message to Congress, December 3d, falls into the same blunder, through Wilkinson’s false reports.

²Wilkinson’s *Memoirs*, ii., Ap. xcix.

the minutiae to you, I will barely suggest the propriety of calling his incessant attention to the repair and preservation of the arms, ammunition, and ordnance deposited with him; and also to every appurtenant of the quartermaster's department. He must keep a strict eye on the conduct of the Spaniards, on the side of Texas, and is to advise me by express at New Orleans, of every casualty which may occur, or any change which may be made by them. I have nothing more to add, but to entreat you to accelerate your movement by every practicable means. I think officers who have families at Fort Adams should be advised to leave them there, for if I mistake not, we shall have an insurrection of blacks as well as whites to combat. . . . No consideration, my friend, of family or personal inconvenience, must detain the troops a moment longer than can be avoided, either by land or by water; they must come, and rapidly. On the fifteenth of this month, Burr's declaration is to be made in Tennessee and Kentucky; hurry, hurry after me, and, if necessary, let us be buried together in the ruins of the place we shall defend."

It was at least a variation to tell Cushing that the negroes were to revolt; but he never explained what he meant by saying that Burr's declaration was to be made in Tennessee and Kentucky November 15th; which day the ex-Vice-President spent quietly in Lexington. Then the urgent order for the marching of the troops was converted into arrant nonsense by the dilatoriness of his own movements. To Colonel Freeman in New Orleans he said:¹—

"This will be delivered to you by Major Porter, who descends with a body of artificers, and laboratory men to aid your operations. The Major carries with him specific instructions, which you are to respect and support promptly. We must repair the old defenses of the city; it is our only resort, as we shall not have time to do more.

¹Wilkinson's *Memoirs*, ii., Ap. xcix.

. . . Let your measures be taken, as if by order from the secretary of war; but profess utter ignorance of motives. Manifest no hurry or emotion, for you are surrounded by secret agents, yet use every exertion in your power. . . . I shall be with you by the twentieth instant; in the meantime, be you as silent as the grave."

It is noteworthy that the matter he wanted kept silent as the grave had already become notorious on the frontier. A friend of Spain in Natchitoches wrote on the eighth instant to Herrera, who had retired to Nacogdoches:¹—

"Our political crisis is going to produce effects of much importance to us and to our neighbors. General Wilkinson has received notices which have occasioned the hasty movement of all the troops to New Orleans. The General said in confidence to a friend that he had news which he could not then make public, but which the human heart discovers. He went by Natchez to spend one night with his wife, since he had to go forward in great haste to the city in order to direct the operations. There are three conjectures: first, war with Spain; second, a revolution in the States; third, a strong party to unite with Miranda. Lieutenant Murray has received letters on the latter subject in which he is offered an important position. . . . Orders have been received to fortify New Orleans against these bandits, but the small force of the United States in that city is not sufficient to resist so formidable a body. It is believed that this band of adventurers (*quadrilla de vagamundos*) will destroy whatever appears before it, and that the public banks will be robbed, the ships in the ports will be equipped, and arms and provisions seized. It is thought that England will be secured by giving her a part or perhaps all of South America. . . . It is rumored that Colonel Burr has been obliged to fly from the interior of the United States and that many of his partisans have been arrested."

¹Juan Cortez to Herrera, November 8, 1806; MSS. Bexar Archives.

Part of this letter sounds as though Wilkinson had dictated it. The truth was, no doubt, that while Wilkinson professed to wish the matter kept a secret, he was carefully scattering it with all its exaggerations. In such a method he knew the mischief would be greater. A striking statement in the letter is the last—that Burr had been obliged to fly. As a matter of fact it was but three days before Cortez wrote that Burr was first accused by Daviess in Frankfort. It simply shows that the air was surcharged with rumors of every character. Six days later Cortez forwarded another dispatch.

“I sent you a letter some days ago which I hope has reached your hands. Yesterday news came here that would seem to prejudice the liberty of America as well as that of its neighbors, and it is a matter which demands our utmost attention. Colonel Burr, ex-Vice-President, has placed himself at the head of 20,000 men under the pretext of revolutionizing and separating the States of the West from the rest of the Union. And it is further stated that the members of Congress from Kentucky, Tennessee, and Carolina have withdrawn from Congress. Various officers here with whom I have talked over the matter say that they believe Burr is in conspiracy with Miranda, who continues to harass the coast of Caracas. Since England is behind him, it is likely they may direct an attack against the Mexican coast, and as Burr is in communication with them he may march to their assistance with the troops under him and many others which he can command.”¹

When we consider that these letters of Cortez were written a month before Blennerhassett fled from his island, it must appear to what an amazing degree the

¹Juan Cortez to Herrera, Natchitoches, November 14; MSS. Bexar Archives.

public mind was agitated. Society was prepared to believe anything, and waited nervously for some emphatic, explicit denunciation. Wilkinson was the first one in authority to raise his voice; and when he spoke through the mouth of Jefferson of damnable conspiracy, to the rising commotion was added consternation. This, however, did not mark its height; Wilkinson had not as yet tested his powers.

The General reached Natchez at noon November 11th and repaired at once to the country seat of Major Minor—a Spanish officer and wealthy planter—where he found his invalid wife dying. The day following his arrival he sent his first notice to Claiborne of the awful storm he knew to have been brewing for weeks, but the secret of which he had kept close within his breast lest the knowledge of it by the world should have produced incalculable disaster:¹—

“You are surrounded by dangers of which you dream not, and the destruction of the American government is seriously menaced. The storm will probably burst in New Orleans, where I shall meet it and triumph or perish. . . . We shall have a thousand troops in the city in three weeks, and I look for succor by sea. I have little confidence in your militia, yet I trust we may find a few patriotic spirits among them. You have spies on every movement and disposition, and our safety and success depends *vitaly* on the concealment of our intentions. I therefore make this communication, in the most solemn confidence, and in the name of our common country, that you do not breathe nor even hint it to the most intimate friend of your bosom. The reserve may be painful, but you must bear it until I see you, which will be in a very few days; and let me entreat you that all your measures

¹Wilkinson's *Memoirs*, ii., 328.

may be suspended for my arrival, and that no emotion may be betrayed. Colonel Freeman's line of conduct has been prescribed to him. I shall leave this place the day after to-morrow, but must dismantle Fort Adams, and remove every offensive weapon from it. I fear our government have been surprised—but within six days from the present, the President will be fully apprised of the plot, which implicates thousands; and among them some of your particular friends, as well as my own. I again solemnly charge you, to hold this communication to your own breast, excepting Colonel Freeman."

That Wilkinson should have "little confidence" in the citizens who had responded almost to a man to repel the Spaniards, and whom he had a few days earlier praised for their sacrifices and patriotic services, was to be expected—there was still some virtue in consistency! But are we to believe he thought New Orleans seriously endangered? That conspirators to the number of seven thousand were actually concentrating to descend upon the city in the fashion of mediæval robber-knights?

The day he wrote Claiborne he directed a long dispatch to the President which was sent by special messenger :¹—

"Many circumstances have intervened since my last, confirmatory of the information received, and demonstrative of a deep, dark, and wicked conspiracy. My doubts have ceased, and it is my opinion, that naught but an immediate peace in Europe can prevent an explosion which may desolate these settlements, inflict a deep wound on our Republican politics, involve us in a foreign conflict, and shake the Government to its foundation. . . . This is indeed a deep, dark, and wide-spread conspiracy, embracing the young and the old, the Democrat and the

¹Wilkinson's *Memoirs*, ii., Ap. c.

Federalist, the native and the foreigner, the patriot of '76 and the exotic of yesterday, the opulent and the needy, the ins and the outs; and I fear it will receive strong support in New Orleans, from a quarter little suspected. . . . You will perceive on inquiry that my means are greatly deficient, but may rest satisfied that nothing shall be omitted which can be accomplished by indefatigable industry, incessant vigilance, and hardy courage; and I gasconade not when I tell you that, in such a cause, I shall glory to give my life to the service of my country; for I verily believe such an event is probable; because should seven thousand men descend from the Ohio, and this is the calculation, they will bring with them the sympathies and good wishes of that country, and none but friends can be afterwards prevailed on to follow them: with my handful of veterans, however gallant, it is improbable I shall be able to withstand such a disparity of numbers; and it would seem we must be sacrificed unless you should be able to succor me seasonably by sea, with two thousand men and a naval armament, to command the mouth of the Mississippi. To give effect to my military arrangements, it is absolutely indispensable New Orleans and its environs should be placed under martial law. . . . To insure the triumph of Government over its enemies, I am obliged to resort to political finesse and military stratagem. I must hold out false colors, conceal my designs, and cheat my adversaries into a state of security, that, when I do strike, it may be with more force and effect; and therefore my own bosom, were it possible, should be the sole repository of my determinations. But independent of considerations of policy, my personal safety will require the most profound reserve, to the last moment of indecision; for were my intentions exposed, there are more than three desperate enthusiasts in New Orleans, who would seek my life, and although I may be able to smile at danger in open conflict, I will confess I dread the stroke of the assassin, because it cannot confer an honorable death."

This startling message was intrusted to one Isaac Briggs, who, January 1, 1807, whilst congratulations

for the New Year were being received at the White House, dismounted at its door and delivered his letters to Jefferson. When he had opened them he exclaimed: "Is Wilkinson sound in this business?" Briggs replied that there was "not the slightest doubt of it."¹ The equanimity of the President on the occasion was remarkable. "Is Wilkinson sound in this business?" was in truth a feeble exclamation to utter over so drastic an exposure of a conspiracy at once formidable in force and execrable in its nature. But Wilkinson's honesty was suspected, and in consequence the President's course for a time was marked by colorless action. He could not yet bring himself to believe that a crisis in the affairs of the Union threatening its existence was actually arrived.

At the moment Wilkinson wrote to Freeman in New Orleans to hasten the works of defense; to Cushing to "hurry, hurry"; to Claiborne that he was surrounded by dangers of which he did not dream; and to the President that a "deep, dark, and wicked conspiracy" was about to shake the nation to its foundation—at that very moment he was making final arrangements to send Walter Burling to Mexico on as shameful an undertaking as our history chronicles. When confronted with the fact of this expedition he replied that it went "on grounds of public duty and professional enterprise to attempt to penetrate the veil which concealed the topographical route to the City of Mexico, and the military defenses which intervened, that the equivocal relations of the two countries justi-

¹Wilkinson's *Memoirs*, ii., Ap. lix.

fied the ruse." Hardly had Wilkinson finished his batch of official dispatches when he wrote on November 13th to Burling:¹—

"I have reflected on your proposition respecting a purchase of mules; I can see no impropriety in it; but in turning the subject in my mind another of public importance has struck me; this is to avail yourself of the present alarm produced by Colonel Burr's projects to effect a visit to the city of Mexico by the interior, and to return by water in order to examine both routes, relative to their practicability and the means of defense the Spaniards possess. I have long been in quest of this information, but have not succeeded to my satisfaction and deem it at the present posture of public affairs highly interesting to our country. If you can combine this object with your private views, I will frame instructions for you and will give you a formal passport out of our territories, with express authority to proceed to Mexico for the purpose of advising the viceroy of Burr's meditated designs."

It is evident from this that the matter of Burling's Mexican trip had been discussed and settled before they reached Natchez—perhaps long before. The proposition of buying mules was most ludicrous, and was nothing more than a trifling subterfuge. The transparency of the illicit undertaking as well as its maturity appears in Burling's reply, which came the ensuing day:²—

"I received your favor late last evening and in reply inform you that I am disposed to forward your views by my best endeavors, provided I can do so without exposing myself to the risk of a dungeon or a Spanish mine. On the subject of the mules, I have made my determinations and shall set out in a few days."

¹Letters in Relation.

²Letters in Relation.

The levity with which the matter was treated is remarkable, so cocksure of success were these enterprising patriots. The General wrote immediately to congratulate Mr. Burling, wishing him a successful journey, and inclosing the following passport:¹—

“To all persons whom it may concern: Whereas, Aaron Burr at the head of a powerful combination of lawless citizens of the United States, in violation of the laws of said states and without the privity of the government, is preparing to carry on an expedition into the territory of his Catholic Majesty, who is at peace with the United States, I have thought proper, agreeably to the principles of good faith, and to exonerate my government from a suspicion of participating in this design, to authorize the bearer hereof, Walter Burling, to pass all guards and garrisons of the United States and to proceed to the City of Mexico, for the purpose of handing to the viceroy a detailed report of said Burr’s plans and designs.”

This passport stands out in sharp contrast with the preceding letter to the President. Now the Burr project is only “an expedition into the territory of his Catholic Majesty.” The two documents varied with the necessities of the case.

Wilkinson’s good friend Stephen Minor, who still held his Spanish commission, also lent Burling a safeguard. His motive for so doing will probably never be known. He might have been in the secret, but the chances are that he was grossly deceived, that out of a desire to serve his country he unwittingly protected Burling on his mercenary mission.

“I, Stephen Minor,” read the passport, dated Natchez, November 17th,² “captain in the royal armies and actu-

¹Letters in Relation.

²MSS. Bexar Archives.

ally in the territory of Natchez by his Majesty's orders, solicit the commanders and governors of the Internal Provinces of the Kingdom of Mexico to pass Walter Burling to the City of Mexico on business of the royal service. I beg and supplicate of each that you will supply him with the necessary auxiliaries, so that he may arrive early at his destination."

Thus fortified, and with a long dispatch for the Viceroy, Burling set out for the capital of New Spain, and before the end of November presented himself at the Spanish camp near Nacogdoches. December 1st, Herrera sent an account of the interview to Governor Cordero, who had returned to San Antonio de Bexar:¹

"Yesterday, General Wilkinson's aide-de-camp, Walter Burling, presented himself at this place with a passport and a letter closed and sealed for the Viceroy of these dominions of Spain, written as it expressed, by Don Estevan Minor; and Burling further stated that he had orders from his General to bear to Mexico to his Excellency, the Viceroy, which were of the utmost importance concerning the security of the Kingdom. Upon my giving my word of honor to the aide-de-camp, I have learned the details of the General's letter to the Viceroy which only confirms what I wrote you the 18th, 19th, and 20th of last month relative to the embryo revolution in the United States, with its hostile designs toward the Kingdom of Mexico. In order to allay suspicions I have made it public that they come here to buy mules and horses in this province of the kingdom, agreeably to the harmony which now exists between us and Wilkinson. In order that they may go securely, I have dispatched Captain José Maria Sada and my own son, a cadet of infantry, to accompany them as far as Monterey. To disguise the departure of my officers, I have given out that they go to-morrow to the Trinity on business pertaining to the

¹Herrera to Cordero, December 1, 1806; MSS. Bexar Archives.

Kingdom. Burling did not wish to pass through this place [Nacogdoches], for fear some one would write of his mission; so, I directed him by the road to Bahia del Espiritu Santo."

From this it is obvious that Burling was given every assistance in his long overland trip through the provinces of Mexico. That he was on any other business than that set forth in his passports seems never to have been suspected. The deception of the Spanish officers was complete.

Iturrigaray, the ill-starred Viceroy, knew of the approach of Burling and wrote January 20, 1807, to Cevallos that General Wilkinson had sent him an aide-de-camp. "He brings me messages which I suppose must be concerning the designs of the ex-Vice-President Burr."¹ A few days later Burling indeed rode into the City of Mexico and delivered his dispatches, and, before the end of February, 1807, returned to the General in New Orleans. March 12th Iturrigaray wrote from Xalapa to the Spanish Minister of State, dealing with Wilkinson's communications, which exposed the movements and intentions of Burr. The Viceroy goes into detail in this extraordinarily important message.

"In my letter of January, 20th ult.," Iturrigaray began,² "I said among other things, that I had notice of the approach of an aide-de-camp from the American General Wilkinson, who brought me dispatches which I supposed related to the intentions of Colonel Burr. The aide

¹Iturrigaray to Cevallos, January 20, 1807; MSS. Mexican Archives.

²Iturrigaray to Cevallos, March 12, 1807; MSS. Mexican Archives.

arrived in fact, and delivered to me the General's letter, a copy of which I inclose to you. In it you will see that he lays great stress on the measures which he has taken at the risk of his life, fame, and fortune in order to save, or at least to protect this Kingdom from the attacks of the insurgents. He calls my attention with extraordinary emphasis to Vera Cruz and its coasts as the point of attack; even indicating that the bandits, as he calls them, might have reached the City of Mexico. He finally comes to what I had anticipated, the question of payment for his services. He asks for \$85,000 in one sum, and \$26,000 in another. But, not content with this, he says he considers it just and equitable to be reimbursed for those sums he has been obliged to spend in order to sustain the cause of good government, order, and humanity. Understanding the desires of the General I destroyed his letter, after it had been translated, in the presence of his aide-de-camp, whose conversation with me did not forward the demands of his General, nor add anything to the information I had of the intentions of Colonel Burr. In my answer to the General I gave him to understand that the revolutionists had not caused me any alarm; for I had been long prepared to repel them by force, even though their numbers had been much greater. I informed him that I could not pay the sums of money asked without definite orders from the King; and that I had arranged for the hasty return of his aide. In conclusion I thanked him for his martial zeal, and insinuated that I wished him happiness in the pursuit of his righteous intentions. From here the aide-de-camp went to Vera Cruz, from which port he sailed in the American schooner *Liberty*, for New Orleans, February 10th, accompanied by his interpreter and servants."

This document speaks for itself. It is the key which unlocks the cipher of Wilkinson's conduct in the month of November, 1806—the month witnessing the establishment of the Neutral Ground Treaty, the accusation of Burr, and the appearance of the Proclamation.

The crisis of the conspiracy came with the culmination of the Spanish affair on the Sabine; indeed at this point the crises were merged, were as inseparable as substance and shadow. If the conspiracy were not the shadow, it flourished only in the shadow of the Spanish War agitation.

We are now in a position better to estimate the sincerity and unselfishness of General Wilkinson. From the moment Herrera evacuated Bayou Pierre, September 27, 1806, James Wilkinson had nothing in common with Dayton, Burr, and the rest. It was no longer in his power to compel the war; Burr and his confederates were making ready for their descent of the river; the country at large was every day becoming more annoyed and alarmed at the preparations for the expedition; the press viciously assailed both himself and Burr, who were declared in league for the express purpose of establishing a Western empire—all of which convinced Wilkinson that now was the time to establish that “honorable fame,” and to acquire at a stroke that fortune which he prized for its “immediate utility only”! To a man of his metal and genius it seemed much easier to turn the tide of public execration against Burr and his base confederates than to prove to the satisfaction of the courts, after Burr’s arrival, that they had not all of them been guilty of a high misdemeanor. So he decided to raise the cry which was to echo for a century—“Treason in the West.” Viewed in the light of his representation of the conspiracy to the Viceroy, his alarming letters to the President appear somewhat overdrawn, shorn of some of their terribly dramatic

interest; while his heroic language sinks to the level of the mountebank's when written beside the demand made of Iturrigaray.

It happened by coincidence that the day the Viceroy wrote Cevallos concerning Wilkinson's tale of the conspiracy and his demand for money, the General forwarded to Jefferson a report of the condition of Mexico, purporting to have come from Burling. This was accompanied by the request for one thousand five hundred dollars, the amount alleged to have been expended on Burling's praiseworthy undertaking. And Jefferson had not the heart to deny one whom he regarded a faithful servant.

CHAPTER VII.

The Two Arraignments of Burr in Kentucky



WHILE the inhabitants of Frankfort, Kentucky, were celebrating the Fourth of July (1806) there appeared on the streets of the city the first issue of a weekly newspaper entitled the *Western World*. It is never possible to estimate the influence of a force in a community; but the *Western World* played no small part in fixing in the minds of the people the idea of treason in the conspiracy. This was accomplished by instilling new life into the old intrigues and treasons which had played a part in Kentucky politics, especially the Spanish Association which had owed everything to Wilkinson. The case made out against the Spanish conspirators was too strong to be resisted—many authentic documents were printed which could not be controverted. Judge Sebastian, formerly associated with Wilkinson, resigned as judge of the Court of Appeals of the State before the committee appointed by the Legislature to investigate his conduct could make a report. The attack on Wilkinson led by the *Western World* was most scathing and vindictive. But the General was beyond reach. He was aware, however, that he had been branded a pensioner of Spain, and had himself months earlier taken up the controversy in the press from his station in St. Louis. He had written the President, too, that he feared his faith in him might be shaken by those vile calumnies

which he could refute by unquestioned documents. Here was a vital source of suspicions and misunderstandings—and the people were compelled to admit, despite their wishes, the truth of the allegations of the sensational press; they realized that at an earlier time Wilkinson and others had been guilty of fostering a base plot to separate the States—to throw one fragment into the power of Spain—and now that a new conspiracy was actually under way in their midst, a conspiracy whose leaders were alleged to be Wilkinson and Burr, the trend of their thoughts can be foreshadowed.

Joseph M. Street and John Wood were the editors and proprietors of the *Western World*.¹ Nothing is known of Street's antecedents; the latter had come into notice as the author of a *History of the Last Administration*, in the suppression of which both Burr and Wood figured and lost heavily in the confidence of the party to which they adhered. Not prospering in New York Wood betook himself to Richmond where he again failed to receive the recognition which his ability as a newspaper hack deserved. He accordingly pushed on over the mountains to Frankfort where he found a more congenial atmosphere, and a field teeming with unexploited sensations. He was now in his element, and the *Western World* sprang up like a noxious mushroom. Humphrey Marshall, leader of

¹Adams, iii., 272, and McMaster, iii., 64, credit Daviess with having established the *Western World* for the purpose of exposing the plot of Burr. According to the *Palladium* for July 6, 1806, the *World* was printed under contract, in the office of the *Palladium*, for Messrs. Street and Wood.

the Federalist faction, became an efficient contributor; but the life of the new publication was Wood, for upon his withdrawal, after the second trial of Burr in Kentucky, the *World* ceased to exist.

The initial number of the periodical contained the first of a series of articles by Marshall on the "Spanish Association." As an apology for the introduction of the subject at so late a date, it was asserted that the seeds of it were only dormant, and that, if it were suffered to spring up, dire consequences would result. To this startling assertion the *Palladium*, the official organ of the Government, took immediate exception. It discountenanced the whole affair, declaring that the time had passed when there was cause for fear; the people of Kentucky were not to be drawn away by chimerical schemes; their devotion to the Union was as ardent and sincere as that of any other portion of its citizens.¹

From the first the task the *Western World* set for itself was of the most sensational character. Three topics were designed for discussion: 1. The Kentucky Spanish Association; 2. Blount's conspiracy; 3. The Miranda Expedition.² The first article on the Spanish Association roused the most heated controversies and recriminations. Street, ignoring a challenge from George Adams, was posted as a poltroon, and was later openly assaulted. Abuse, however, did not affect the sale of the *World*, and by the middle of August it boasted a subscription list of one thousand—a large clientèle for that time. The *Palladium* opened its col-

¹*Palladium*, July 10, 1806.

²*Palladium*, July 17, 1806.

umns to replies to the *World*, and the editor, William Hunter, was straightway accused of having been bribed by the conspirators.¹ Wood and Marshall in their spirited attacks on the Spanish Association, and the enterprise of Blount kept Burr's name always in view; he was connected in this way with the men who were remembered as having entertained ideas which favored the incorporation of the States west of the Alleghany Mountains with some foreign power. Before the middle of September, while Wilkinson was en route for Natchitoches to repel the Spaniards, with the President outwardly blinking at a war, Wood was revealing the secrets of the new project to an over-expectant public:

"The original design of the Kentucky Spanish Association has been entirely abandoned. The views of the conspirators are no longer to unite with Spain, but to form Kentucky, Tennessee, Ohio, Indiana, the Louisianas, and the Floridas into one independent government. The advocates for this measure differ, however, in one point. The majority are for effecting this measure by calling a convention of the people and obtaining the consent of Congress; but a considerable number, and particularly those who at present reside in the Western Territory, are for effecting their purpose by force of arms."²

This sensational paragraph, as the editors afterward confessed under oath, had no other foundation than the gossip of the hour. Nevertheless it wrought mischief of incalculable degree. That the *World*, printed at the capital of Kentucky, should calmly discourse of treason was warrant enough for the East, remote and isolated by barriers of nature, to credit reports verging on mad-

¹*Palladium*, August 21, 1806.

²*Palladium*, September 18, 1806.

ness. Nor was it sufficient to bring quiet that the *World* should become a hissing and a byword in the West—its insidious preaching won converts against their wills. “The existence of such a conspiracy at the present day,” retorted Hunter in the *Palladium*, referring to the charge of Street and Wood, “cannot be seriously believed by any thinking man of any party, however politic it may be deemed to pretend so.” The *Lexington Gazette* scorned the assertion that the Spanish plot was still in existence;¹ and the *National Intelligencer* declared “that our Western brethren are as ardently attached to the Union as the inhabitants of any section of it. We have evidence that the most remote suggestion of a separation fills their minds with alarm, justly viewing it as the most dreadful evil which could befall them.”² But this was not the view in every quarter. “In a recent issue of the *Philadelphia Gazette*, a Federalist paper,” reported the *Palladium*, “the people of this country are represented ‘as ripe for revolt, and that the Kentucky papers openly advocate the idea of a separation from the Union.’” It was a ridiculous, insulting notion, commented Hunter, and to see “such stuff” in an Eastern journal occasioned no surprise, for only recently some of the papers in the Atlantic States had avowed that five thousand men were in arms in the West against the Government.³

The excitement, despite the fact that few paid serious heed to the assertions of the *World*, continued to spread. To Joseph Hamilton Daviess, prosecuting-

¹*Palladium*, August 17, 1806.

²*National Intelligencer*, November 7, 1806.

³*Palladium*, November 27, 1806.

attorney for the Federal district of Kentucky, this was particularly pleasing, for he had been sending to the President letter after letter concerning a conspiracy—at least of some character.

Before Graham, the President's agent of inquiry into the conduct of Burr, reached the Alleghanies, Daviess had accused Burr in the Federal court at Frankfort of having violated the laws of the Union in setting on foot an unauthorized expedition against Mexico. November 5th was the day, a day likewise memorable as the date for the establishment of the Neutral Ground Treaty. Whether the prosecution was animated by Daviess's Federalist affiliations, or by a desire to profit at the cost of the humiliation of Burr's eager followers, who were Republicans and leaders of State politics, cannot be determined. "Daviess instituted the first proceedings against him," recorded Blennerhassett in his Journal,¹ "partly from a sense of neglect on the part of Burr, and through enmity to the President, who he fully believed was concerned with Burr, or connived at his operations." This was written on the strength of a confession of John Wood, the sometime editor of the *Western World*, and the confidant of Marshall and Daviess; and who, Blennerhassett wrote, had come to Richmond to lend his assistance in righting some of the wrongs he himself had aided in inflicting on Burr. Daviess's pamphlet entitled, *A View of the President's Conduct*, published after the conspiracy collapsed, is a caustic commentary on his own conduct, and proves, whatever his motives were,

¹*Blennerhasset Papers*, p. 373.

that it was not patriotic zeal which spurred him to bring Burr into court.

A compulsory process was moved before Judge Innes of the Federal court against Aaron Burr; a second, for compelling the attendance of witnesses. The accused, who was at Lexington when he heard of this proceeding, quietly sent a messenger to say that he would appear on Saturday; then, knowing that the news would reach Blennerhassett greatly magnified, he wrote him that he had been charged with treasonable practice of some description; that he did not know how the charge was supported; that since the grand jury had made no investigation he presumed the motion had been made to influence public opinion. He concluded by assuring his associate that there was no cause for anxiety as to the outcome.¹

Burr reached Frankfort Friday; and Saturday appeared at the bar. The tribunal, which was presided over by Harry Innes—also charged, though without credible proof, with having been influential in the councils of the Spanish Conspirators—denied the motions of the State's attorney because of their irregularity; whereupon Burr rose and demanded an examination. After the grand jury was impaneled, court adjourned to the next Wednesday to allow time for the summoning of witnesses. "The event spread rapidly throughout the country, generally mingled with error and exaggeration," said the *Palladium*; and Frankfort was soon crowded with the interested and the curious. At the appointed hour the court was called

¹*Blennerhasset Papers*, p. 153.

to order, and as the charge was about to be delivered to the grand jury Daviess rose and asked for its discharge, saying that he could not proceed since one of his witnesses, Davis Floyd of Indiana, was absent.¹ The investigation was accordingly adjourned.

The affair was roundly ridiculed by the crowd. Daviess had sworn out a compulsory process to bring Burr into court; Burr had voluntarily appeared, and, to the confusion of the attorney, demanded an examination which he was not brave enough to attempt. This was peculiarly hard for the prosecutor as there was no legitimate excuse for adopting such tactics. What is more, his knowledge of Burr's project extended over months; and one would have thought, recalling his letters to the President, that there was no detail that had not been considered. The *Palladium* referred as follows to the incident of the trial:²

"Colonel Burr has throughout this business conducted himself with the calmness, moderation, and firmness which have characterized him through life. He evinced an earnest desire for a full and speedy investigation—free from irritation or emotion; he excited the strongest sensation of respect and friendship in the breast of every impartial person present."

If Hunter could print such a paragraph, it is the more interesting to contrast the account of Street and Wood, who, now that Burr was actually accused, hastened to give publicity to the most astounding tales.

"On this extraordinary occasion," commented the *Western World* on the accusation of Burr, "we are well

¹*Palladium*, November 13, 1806.

²*Palladium*, November 13, 1806.

aware that the field of conjecture will be traveled in every direction by the curious reader and inquisitive politician. With ourselves, we confess it has excited neither astonishment nor surprise, being, as we before mentioned, well informed of the subject eighteen months ago. This was the business which we purposed to unfold under the head of the Miranda Expedition. The expedition was only a very inferior part of the scheme, and Miranda himself an inferior agent in the plan. From the steps which have been taken by the public attorney, we now think it improper to enter into a detail of the conspiracy, being assured that he is in possession of all the information of which we are; and that he is a much more proper instrument than the editors of a newspaper to prevent its accomplishment. The project of Colonel Burr is doubtless of the most extensive nature, and if accomplished will not only affect the interests of the Western country, but of the known world. A revolution in the Spanish provinces of North America will speedily, when aided by Miranda, lead to one in South America, and the whole, along with the Western States of the Union organized into one empire, headed by a man of the enterprise and talents of Colonel Burr, will present a phenomenon in the political history of the globe perhaps only equaled by the modern Empire of France."

A paragraph of more startling political significance, so far as the New World is concerned, has perhaps never appeared in print. Even earlier than this the exaggerated statements of the *World* had spread over the country, becoming ever further from the truth. The fact that settlements and States were isolated, and that men might be collected and boats constructed and such details not become matters of public notoriety, placed things in a delicate position. And then Street and Wood fortified their former declarations with an actual account of Burr's denunciation by Daviess, infus-

ing new life into their statements by the declaration that they had absolute evidence of Burr's complicity in the plot to effect a disruption of the Union; and that they would have exposed this scheme, too, had they not been anticipated by the fast march of events. Not the least of the evil effects resulting from their publications was the lamentable impression which spread throughout the nation concerning the loyalty of the Westerners. So sensational were the charges, so prominent were the characters involved and so portentous were the proportions of the projected conspiracy, that the articles were copied everywhere and perused with morbid eagerness.

"A Kentucky paper called the *Western World*," said the editor of the *National Intelligencer*, "attracts very great attention here; among others Judge Prevost, Edward Livingston, General Wilkinson, Mr. Burr, Mr. John Brown of Kentucky are charged as concerned in a *new conspiracy* against the peace of the whole Union, and with meditating a separation of this section from the eastern parts of the Union. Many people here are acquainted with the *old conspiracy* of a similar kind concerted with the Spaniards and know the leading characters concerned in it, and many wonder how Wilkinson came to be appointed to the chief command of our forces."

With marked demonstrations of approval the West celebrated the collapse of the Frankfort inquiry as a vindication of Burr, while Daviess, Marshall, and the *Western World* were left to chagrin. The district-attorney complained to the President that Burr's chief friends were supporters of the Administration—a bit of information Jefferson could hardly have relished:

"The genuine Republicans left no efforts unemployed to injure me; and every one of these Españolized Kentuckians, not one excepted, were Burr's friends and my persecutor. The people seemed to vie with each other in folly and a zeal to distinguish and caress this persecuted patriot. . . . The secretary told me the governor laughed at the idea of Mr. Burr's expedition. . . . You remark in history that there are times in which whole nations are blind; this seemed to me to be one."¹

The Frankfort episode in no wise interrupted the preparations of the conspirator. Blennerhassett had encountered no impediment, and already Andrew Jackson had received three thousand dollars in Kentucky bank notes with orders for the construction of five boats. Jackson was also to purchase supplies, enlist recruits, and in every way prepare for the expedition which was to float down the Cumberland in December; and no time was lost in undertaking the fulfillment of his instructions. Burr again appeared in Cincinnati in company with John Smith. He was now doubtless shown Wilkinson's letter of October from Natchitoches in which he appealed to the Senator to come to his assistance, and in which he outlined the needs and the course to be pursued in the conquest of Mexico.² But Burr and Smith were not aware that Wilkinson had already denounced them to the President; that the Government's agent, Graham, was on the Ohio; and that the General was leisurely making his way to New Orleans to protect it against a horde of bandits daily expected with Burr at their head to fall upon the city. While the agitation was at its height, Smith gave out

¹*View of the President's Conduct*, p. 30.

²See p. 130.

the following statement as embodying in substance Burr's communications to him—the language is Burr's and it is the most explicit enunciation we have of his concerning the nature of the project :¹—

“Mr. Smith, my object in a few months will be disclosed, you will not find it dishonorable or inimical to this Government. I feel superior to the mean artifices which are ascribed to me. Calumniators I do not notice, for as fast as you put one down another will rise up. This much I will tell you, if there should be a war between the United States and Spain, I shall head a corps of volunteers and be the first to march into the Mexican provinces. If peace should be proffered, which I do not expect, I shall settle my Washita lands, and make society as pleasant as possible. In this Government I have been persecuted, shamefully persecuted; and I am sorry to say, that in it, all private confidence is destroyed.”

When the bubble had burst, Smith, because of his connection with Burr, was practically expelled from the Senate; and his character, though supported by some of the best people of his State, was held up to execration. He was accused of having given comfort to Burr and of having engaged to supply accessories—a thousand pack-saddles and an equal number of bear skins. March 27, 1807, Smith appealed in vain to the President for a copy of the accusations which had been brought against him.² But to prove his untrustworthiness it was enough that Burr should have rested in his house. Leaving Cincinnati for the last time the chief intriguer turned his rein toward Louisville, from which place he

¹*Liberty Hall*, February 24, 1807.

²Smith to Jefferson, March 27, 1807; Jefferson MSS.

wrote November 27th to Governor Harrison of the Northwest Territory:¹—

“Considering the various and extravagant reports which circulate concerning me, it may not be unsatisfactory to you to be informed (and to you there can be no better source of information than myself) that I have no wish or design to attempt a separation of the Union, that I have no connection with any foreign power or government, that I never meditated the introduction of any foreign power or influence into the United States, or any part of its territories, but on the contrary should repel with indignation any proposition or measure having that tendency; in fine, that I have no project or views hostile to the interest, or tranquillity, or union of the United States, or prejudicial to its government; and I pledge you my honor for the truth of this declaration. It is true that I am engaged in an extensive speculation, and that with me are associated some of your intimate and dearest friends. The objects are such as every man of honor and every good citizen must approve. They have been communicated to several of the principal officers of our government, particularly to one high in the confidence of the Administration. Indeed, from the nature of them it cannot be otherwise.”

While in Louisville, November 27th—the very day the people in the East read the Proclamation of the President against the conspiracy, and New Orleans felt the presence of James Wilkinson—Burr heard that Daviess had renewed his motion against him. Burr immediately wrote Clay to come to his assistance,² and himself started for Frankfort. Tuesday, November 25th, the district-attorney had in fact appeared before the Federal court to renew his motion for a grand jury to inquire into the conduct of Aaron Burr. The request

¹ Clark's *Proofs*, Ap., p. 17.

² Colton's *Private Correspondence of Henry Clay*, p. 13.

was readily granted and the marshal was ordered to have the jury summoned for the session of the next Tuesday. Subpœnas were issued for witnesses, and all was made ready for the trial.¹ Burr reached Frankfort Sunday, the thirtieth, and the next morning sent Clay a categorical denial of the rumors in circulation concerning his project:²—

“I have no design, nor have I taken any measure, to promote a dissolution of the Union, or a separation of any one or more States from the residue. . . . I do not own a musket nor a bayonet, nor any single article of military stores, nor does any person for me, by my authority or with my knowledge. . . . Considering the high station you now fill in our national councils, I have thought these explanations proper, as well to counteract the chimerical tales, which malevolent persons have so industriously circulated, as to satisfy you that you have not espoused the cause of a man in any way unfriendly to the laws, the government, or the interests of his country.”

Once more Henry Clay, the great nationalist leader—the eloquent arraigner of Great Britain in 1812, the author of the Compromise Measures of 1850—responded to Burr’s call. It was his honest belief that Burr was innocent, that enemies were pursuing him with malice; and his opinion was not changed until he read Jefferson’s report to Congress, which, together with the Proclamation, produced in the public mind an incontestable belief in Burr’s guilt. Clay wrote from Washington, February 1, 1807, to his father-in-law, Colonel Thomas Hart:³—

¹*Palladium*, November 27, 1806.

²Prentice’s *Henry Clay*, p. 32.

³Henry Clay to Colonel Thomas Hart, February 1, 1807; Clay MSS.

“It seems that we have been much mistaken about Burr. When I left Kentucky, I believed him both an innocent and persecuted man. In the course of my journey to this place, still entertaining that opinion, I expressed myself without reserve, and it seems owing to the freedom of my sentiments at Chillicothe I have exposed myself to the strictures of some anonymous writer of that place. They give me no uneasiness, as I am sensible that all my friends and acquaintances know me incapable of entering into the views of Burr. It appears from the President’s message to Congress, in answer to the resolution of the House of Representatives, calling for information, that Burr had formed the no less daring projects than to reduce New Orleans, subjugate Mexico, and divide the Union.”

Every act of Clay’s splendid career protests against the statement which we find too often made that he, like Smith and Jackson, sought only a cover for his credulity. Some have written only too clearly that that satisfied he had no scruple against appearing in court in order to thwart a process of justice and to preserve a traitor.

December 2d court met pursuant to adjournment. Judge Innes read his charge to the grand jury in due form and with emphasis as to the necessity for a rigid investigation to be made into the conduct of certain revolutionary characters. The same day the jury filed back into court to say that they had no presentments to make, and that the district-attorney had preferred no indictments to them. Daviess then moved that the grand jury be adjourned until ten o’clock on the following day when he would file indictments. He took occasion to say that “Burr’s presence was not required and that it appeared rather ostentatious than useful or

proper.” Clay and Allen, acting for the defendant, replied that the grand jury after being sworn and charged could meet when it pleased, and retorted that the presence of their client in court was entirely proper.

Wednesday, when court had been called, Daviess presented a paper to the foreman, saying, “This is an indictment against Senator John Adair.” He next insisted before the court that he should have the right to go before the grand jury to question the witnesses. This contention involved a fundamental principle in the practice of the courts and provoked a heated discussion, Clay and Allen denying the existence of such a right. They argued that if the prosecution were correct, then must the defense also have representation; and that the logic of this meant the conversion of the grand jury into a trial court. Daviess at once accused Burr of wishing to thwart the examination. Burr replied that when he had first heard that a charge was about to be exhibited against him he had hastened to present himself before the court; that now a second time he had appeared without compulsory process, and that he had even aided the prosecutor in procuring witnesses; he desired an investigation and hoped that it would be satisfactory, but trusted that it would be conducted according to the established rules of law. Judge Innes decided that the contention of the prosecution was unfounded.

Thursday Daviess remarked that he had prepared some special sets of questions which he desired the grand jury to use in the examination of certain witnesses. To this request, though somewhat irregular,

both Burr and Adair readily assented. Then the inquiry proceeded, but the suspense was not of long duration; the jury soon reported the indictment against John Adair, "Not a true bill." The substance of the indictment read that August 1, 1806, John Adair of Mercer County did arm and set on foot an unlawful expedition against the Spanish Kingdom of Mexico, against the peace and dignity of the United States. It is interesting to find that no reference is made to a project to revolutionize the States west of the Alleghanies. When the report of the foreman had been registered, Daviess formally preferred an indictment against Aaron Burr:

"United States of America, Kentucky District, to wit: The grand jury of the United States in and for the body of the said district, do on their oaths present, that a certain Aaron Burr, late of the city of New York and vice-president of the United States, did with force and arms at the county of Fayette in said district, on the 25th day of November last past wilfully and unlawfully, and from evil premeditation, then and there set on foot and prepare for a military expedition against the dominions of the King of Spain, who is an European friend, at peace with the said United States, to wit against the provinces of said King, in North America contrary to the laws of the United States in such cases provided, and against the peace and dignity thereof."

Thus ran the first count in the indictment; there was another which alleged that on the day in question in the county of Jefferson a similar misdemeanor had been committed. No mention was made of treason in the indictment, though strangely enough Wilkinson had already begun his tales of treason in New Orleans, while Jefferson at Washington, through the General's

confidential communications, had been led to denounce in unqualified terms the threatening combinations forming on the Ohio. Though Daviess had not ventured to charge Burr with treasonable practice, he had taken occasion to assert in court that such was also in contemplation. Therefore, Friday brought intense excitement. The town of Frankfort was crowded with people who had come to attend the trial and to see the celebrities. Everywhere the conspiracy was the all-engrossing subject; but there were few who believed with Daviess that a terrible calamity was impending. Early in the day attention became centred in the action of the grand jury. Who were the witnesses? What would be the nature of the indictment? Excitement rose to a high pitch when witnesses were sent for whose names the ardent prosecutor for some reason best known to himself had failed to submit, notably Street and Wood. For months these editors had stirred the country with their versions of the Spanish Association and Blount's Enterprise, and had gone so far as to issue an address to the people:

"The editors of this paper are called on by William Littell and certain of the amiable youth of Frankfort, to produce proofs of what they allege about the conspirators. Fellow citizens we will do no such thing. . . . If you will sue us for slander, we will plead justification. We will go into no paper war about it with William Littell, William Hunter, the two constellations of prostitution; or any of your hirelings. We will publish your guilt in print; but we will enter into no dispute with any of you about it in print. And our *Federalist friends* have pointedly advised us by no means to suffer any of our evidence to be made known before it is called for in court."¹

¹*Lexington Gazette*, September 8, 1806.

Daviess and Marshall were doubtless the Federalist friends and advisers who feared an inopportune exposure of the testimony; and it is therefore all the more inexplicable why the patriotic Daviess chose to let another occasion pass without giving the conspiracy a thorough airing. Moreover there had recently appeared in the *World* a statement of the utmost import now that Burr was accused and the editors were to testify. The people remembered having read a declaration to the effect that the editors were intimately informed of all Colonel Burr's projects, which, at the proper time, they would lay before the public:¹—

“No set of men are held in greater abhorrence,” began the audacious paragraph, “than the leaders of the Federalist and Burr factions, or any faction whatever. There are Burrrites, however, in the state of Kentucky, and we know them, but happily they are only to be found among the conspirators we are now exposing. We were well acquainted with the object of Colonel Burr's visit to the state of Kentucky before he left the city of Washington. We know the proceedings of his agents in this state, at Orleans and at St. Louis; we are perfectly informed of the nature of his *contract* with General Wilkinson, as likewise the *articles* agreed to at Frankfort between him and Mr. John Brown. But these will be detailed in the concluding part of our narrative.”

The grand jury deemed this a very proper occasion for the disclosure of the “narrative,” and the crowd, eager and impatient, awaited its report. No one knew what testimony the implacable editors of the turbulent sheet might bring into court. Street was first called and, astonishing as it may seem, upon oath declared

¹*Western World*, July 12, 1806; *Palladium*, December 11, 1806.

that he could give no information relative to the charges set forth; that his knowledge had been derived wholly from hearsay; that he knew no one who could testify in the case! The jury had called for a file of the *Western World*, and when John Wood was introduced he was asked questions based upon paragraphs he had himself written. According to his own confession in *A Full Statement* he was obliged to admit the falsity of the charges as well as the unfounded slanders which had been uttered.¹ Indeed he made bold to say that for some time he had been changing his mind concerning Burr, finishing with the amazing statement that he was persuaded Burr had no intentions which antagonized the laws and interests of the United States!² Such an admission was a fitting close to the investigations of the grand jury. The two men in the Western country who pretended to know all that was necessary to establish guilt, had attested on their oaths that they knew nothing. The other witnesses were in no better plight; so the jury filed in at two o'clock and returned the indictment—"Not a true bill." Their labors were not ended, however; they felt that the prevailing excitement warranted their issuing a statement:³—

"The grand jury is happy to inform the court that no violent disturbance of the public tranquillity, or breach of laws has come to their knowledge. We have no hesitation in declaring, that having carefully examined and scrutinized all testimony which has come before us, as

¹*A Full Statement of the Trial and Acquittal of Aaron Burr* by John Wood, p. 24 (Alexandria, 1807).

²*Palladium*, December 11, 1806. *A Full Statement*, p. 35.

³*Palladium*, December 11, 1806.

well on the charges against Burr, as those contained in the indictment preferred to us against John Adair, that there has been no testimony before us which does in the smallest degree criminate the conduct of either of those persons; nor can we, from all the inquiries and investigation of the subject, discover that anything improper or injurious to the interest of the Government of the United States, or contrary to the laws thereof, is designed or contemplated by either of them."

When the foreman, Abraham Hite, had finished the reading of the special report, the district-attorney said that there was nothing further, and thereupon the jury was dismissed. It was an agonizing moment for Daviess and his advisers—it was a fate too well deserved. Again Burr had been vindicated; once more the people applauded, and to show their appreciation they gave a grand ball in his honor. Daviess and his party attempted a counter fête which was a total failure.¹ As the report of the miserable fiasco of Daviess's accusation spread abroad the Westerners were reassured of the innocence of Burr's designs as respected the Union, but in some circles the result was accepted as proof of an illicit alliance between the conspirator and the people. To Jefferson it appeared that Burr owed his liberation to want of discretion and

¹The details of the second trial have been presented in the belief that they were necessary to the rational study of the conspiracy. Another reason also appears—it affords an opportunity for drawing a sharp parallel between contemporary writing and generally accepted conclusions. Henry Adams (iii., 282) says concerning the second arraignment of Burr, "A second time the scene of outraged virtue was acted. Once more the witnesses vanished. Senator Smith saddled his horse and fled; Adair would not appear; and the judge lent his weight to the criminal. . . . Burr was discharged with enthusiastic applause, without a stain on his character." McMaster (iii., 69) closely follows Adams.

talent in Daviess, and the latter was accordingly removed from office. At the moment Burr—"for whose honor and innocence," Clay said, "he could pledge his own,"—felt the full tide of public favor, a tide which had already started on its receding course. That Burr was guilty of treasonable practices was not believed by the people of Kentucky; but that he meditated an enterprise against the dominions of a neighboring Prince, based on the contingency of a war, was asserted unhesitatingly. To prepare for an emergency, which was deemed unavoidable was no offense. Indeed, war was scarcely thought necessary to give license to the invasion of so afflicted a land as Mexico. Six years later there were half a thousand Westerners who maintained so stoutly this belief that the hold of the Latin race on the great empire of Texas was loosed never to be regained. Amid all the rumors and accusations the people of the West were Burr's steadfast friends, never wavering under the charges of the *Western World*, never heeding the danger signals of Daviess and Marshall. Not till the appearance of the President's Proclamation was the uprightness of Burr's motives questioned. That transformation scene is without a parallel in our history!

After the Cabinet meeting at the end of October, Jefferson took no further notice of the conspiracy until Wilkinson's startling letters of October—written at the moment the resolution was taken to dispatch Graham on Burr's trail—were received. However, the President had had more than one warning. Duane, editor of the *Aurora* and national political factor, counseled

him as early as November 4th to take some step to counteract the public alarm. Rumors were in circulation, he said, of dangerous disturbances in Kentucky.¹

"It might be of some importance," he suggested, "by some means to settle the public feeling on the subject. The whole country will be with you if there is any actual emergency. If there is not, the Administration may derive great advantage from a seasonable counteraction of the alarm."

With Jefferson the season for allaying the alarm was slow in arriving. Yet all the while—apart from the newspapers—he had notices of the brewing storm. Five days later than Duane, Cæsar A. Rodney, who was shortly to become Attorney-General, uttered his suspicions:²—

"The aspect of affairs to the westward," said he to the President, "is still unpleasant. The Spaniards give us most uneasiness, though rumors on the subject of some secret conspiracy increase the public anxiety. I cannot give credence to these vague reports, nor can I believe there is a desperado in the United States capable of attempting the mad project of revolutionizing the Western states."

The President's view of the enterprise at that date was truly very singular. He simply said in reply to Duane, November 24th, the day before Wilkinson's special messenger galloped into Washington: "In the western quarter great things have been meditated; but they will probably end in an attempt upon the public lands, and the question will be whether we have authority legally to oppose them with force."³

¹Duane to Jefferson, November 4, 1806; Jefferson MSS.

²Rodney to Jefferson, November 9, 1806; Jefferson MSS.

³Jefferson to Duane, November 24, 1806; Jefferson MSS.

TWO KENTUCKY ARRAIGNMENTS 195

But Jefferson's opinion was suddenly and utterly changed by Wilkinson's revelations, which were delivered November 25th at the White House.¹ The Cabinet was summoned in haste. The record of its action is left us in Jefferson's hand:²

"November 25. Present at first the four heads of department, but after a while Gen. Dearborne withdrew unwell. Despatches from General Wilkinson to myself of October 21, by a confidential officer (Lieutenant Smith) show that overtures have been made to him which decide that the present object of the combination is an expedition by sea against Vera Cruz; and by comparing the contents of a letter from Cowles Meade to the Secretary of State, with the information from Lieutenant Smith that a Mr. Swartwout from New York, brother of the late marshal, had been at General Wilkinson's camp, we are satisfied that Swartwout has been the agent through whom overtures have been made to Wilkinson. We came to the following determinations:—That a proclamation be issued (see it), and that orders go as follows: to Pittsburg, if we have a military officer there, write to him to be vigilant in order to discover whether there are any preparations making, or boats, or arms, or other military stores or means providing by any persons against whom there is reasonable ground to suspect that they have in contemplation a military enterprise against any of the territories of Spain (contrary to the statute, June 5, 1794, c. 50); to stop all bodies of armed men who may be assembled to descend the Ohio under circumstances and appearances so different from those of common emigrants as to induce a reasonable suspicion that they are part of a combination of persons believed to have such an enterprise in view; to have them bound to the observance of the peace and good behavior, or put in a course of legal prosecution, according to the strength of the evidence;

¹See pp. 141-143.

²Cabinet Memoranda, November 25, 1806; Jefferson MSS. Cf. Adams, iii., 283.

and for this purpose to call in the aid of the militia. If we have no officer there, then write to General Neville.—Marietta, Mr. Gallatin is to write to the collector to proceed to seize the gunboats building in that neighborhood and suspected to be destined for this enterprise, and to call in the aid of the militia. General Dearborne to write to Governor Tiffin to furnish a guard of militia, sufficient for the detention of the boats; and to write to General Jackson, supposed to be the General of the Brigade on the Virginia side of the river, to furnish any aid of militia which may be necessary from the left bank of the river.—Louisville, General Dearborne to write to the Governor of Kentucky of the same tenor as to the officer at Pittsburgh.—Massac, General Dearborne to give orders to Captain Bissell of the same tenor, and particularly to stop armed vessels suspected on good grounds to be proceeding on this enterprise, and for this purpose to have in readiness any boats he can procure, fitted for enabling him to arrest their passage;—Chickasaw Bluffs, give same orders as to Bissell;—Fort Adams, ditto;—New Orleans, General Wilkinson to direct the stations of the armed vessels, and if the arrangements with the Spaniards will permit him to withdraw, let him dispose of his force as he thinks best to prevent any such expedition, or any attempt on New Orleans or any of the boats or military stores of the United States. (He is also to arrest persons coming to his camp and proposing a concurrence in any such enterprise, or suspected of being in camp with a view to propagate such propositions. This addition is made by General Dearborne with my approbation.)”

The enforcement of these resolutions would have left no vestige of the conspiracy, and yet the key to the situation was in the hands of a man almost universally distrusted. Notwithstanding the fact that Wilkinson's conduct had been questioned in Cabinet council and that his dispatches were obviously double-faced, the President was ready to grant him the power he was to assume on his own account in the Creole City. The

TWO KENTUCKY ARRAIGNMENTS 197

General could say in one letter that the expedition was directed against Mexico; in a second, possibly against the States; and could ask to be so empowered that he might direct the combination, even though traitorous, against the Spaniards—and still the President with stoical blindness failed to penetrate the deception—nay, contrariwise, read into the communications an honest dénonciation! Forthwith the forces of the Government were concentrated in an effort to overcome the dastardly conspirators on the strength of a vague accusation by the chief of the army who at the moment was entering New Orleans fresh from his venal Sabine campaign.

The day after the Cabinet session, orders were sent to Marietta to post one hundred and fifty or two hundred militia on the river to prevent the passing out of Burr's "gunboats." On the twenty-seventh Dearborn wrote Wilkinson: "You will use every exertion in your power to frustrate and effectually prevent any enterprise which has for its object, directly or indirectly, any hostile act on any part of the territories of the United States, or on any territories of the King of Spain." Then on the twenty-seventh Jefferson published his Proclamation which was to contribute more than all else toward the annihilation of the movement:

"Whereas information has been received," ran that notable State paper, "that sundry persons . . . are conspiring and confederating together to begin . . . a military expedition or enterprise against the dominions of Spain; that for this purpose they are fitting out and arming vessels in the western waters of the United States, collecting provisions, arms, and military stores,

and means; are deceiving and seducing honest and well-meaning citizens, under various pretenses, to engage in their criminal enterprises; are organizing, officering, and arming themselves for the same, contrary to the laws in such cases made and provided: I have therefore thought proper to issue this, my proclamation, warning and enjoining all faithful citizens who have been led without due knowledge or consideration to participate in the said unlawful enterprise to withdraw from the same without delay."

Furthermore, the civil and military officers of the United States and the faithful citizens were enjoined to be vigilant in suppressing the expedition; to seize the boats and arms, to give "information against them to the proper authorities"; to bring the guilty to condign punishment. Under the cover of this Proclamation the President hoped to defeat Burr, be his scheme what it might; and it seemed from Wilkinson's dispatches to be both treasonable and filibustering. But Jefferson had not the spirit to call it treasonable, although there lurked in the urgent language an ill-disguised reservation which the public at once interpreted as fraught with sinister meaning. Erskine, the British Minister, discussed the Proclamation:

"It is necessary further to remark upon the Proclamation," he wrote to Fox December 4th, "though it is apparently leveled against sundry persons engaged in military and unlawful enterprises against Spain, yet that it is also well known to allude to supposed conspiracies to effect a separation of the Western States from the rest of the Union, and which Mr. Burr is suspected to be engaged in forming. . . . Whether it will turn out that the conspiracy has not been widely spread or deeply planned the investigation of the matter which will shortly take place, as Mr. Burr has been arraigned, must discover; but it is

not reasonably to be supposed that Mr. Jefferson who has always pursued a temporizing line of conduct, in domestic politics and indeed toward all foreign nations except Great Britain, should have adopted such strong measures without having very strong proof of the existence of such conspiracies and of the importance of suppressing them.”¹

The world also thought that the President possessed “strong proofs” and believed him accordingly.

“Some weeks ago it was our opinion,” read a most significant editorial in the *Lexington Gazette* for December 19th, “that Burr’s designs were not unfavorable to the interests of the Union. This opinion was predicated upon the information of persons whom we believed to be in his confidence, and from a belief that he had too much sense to think of withdrawing the attachment of the citizens of the Western country from the government of their choice. Our opinion was that he meditated an attack on Mexico by the authority of the government should a war take place with Spain of which there appeared a strong probability. To this opinion we thought it improper to give publicity through the public prints, in as much as it might convey notice to the Spaniards of the meditated attack, and enable them to prepare to repel it; but we never hesitated to do so in conversation. However, we now declare that opinion changed by the President’s Proclamation and Communication to Congress and by the statement of General Eaton.”

This paragraph written large well expresses the revulsion which took place in the Western mind. It is equally interesting for the light it casts upon the nature of the project. Burr had not been gone ten days from Lexington where he had been the most courted of men and where had been the rendezvous of the conspirators,

¹Erschine to C. J. Fox, December 4, 1806; MSS. British Archives.

when this summary judgment was pronounced. And his very friends became out-spoken enemies. Now in very fact the old ghosts of Spanish conspirators and separatists became real, living—threatening to waste the land with fire and sword. The people were caught in the torrent of rumors and swept farther from their moorings than at any other period in the history of America. From east to west, from north to south the country rose from disquietude to panic; and under the influence of the Proclamation from doubt to certainty of the blackness of Burr's designs! But wild as the excitement became in Ohio and Kentucky it was the unhappy fate of New Orleans to be most accursed; for it was there that the arch-alarmist of the century was to play his rôle of unmitigated wrong.

CHAPTER VIII.

Wilkinson in New Orleans.



NOTWITHSTANDING the fact that Wilkinson had written the President that he would leave Natchez for New Orleans November 14th, and that the emergency demanded hasty action—busying himself with Burling, all oblivious of the gathering storm which he had avowed would shake the nation to its foundation—he delayed, only reaching the capital of Louisiana the twenty-fifth of November, a month and a half after he had had notice from Burr that his expedition was ready to go forward. The General's coming was regarded with the gravest concern. The recent crisis on the frontier had been and was the only topic of conversation; and now that labor on the fortifications proceeded with redoubled energy—forts reconstructed, immense amounts of lumber and pickets purchased, and a street blockaded—public curiosity increased to an alarming degree.¹ Meanwhile Wilkinson kept his own counsel, not even disclosing his purpose to Claiborne until the month was almost run out. The Governor at once fell under his spell—stronger men had succumbed.

December 1st, Claiborne wrote Captain Shaw, who commanded the vessels of war in the river, "The situation of affairs here is critical and there is every reason to believe that the safety of this territory is seriously

¹*Orleans Gazette*, March 31, 1807.

menaced.”¹ He was advised to hurry the preparations of his vessels and to consult with Wilkinson as to their disposition. Three days later the Governor informed Dearborn that the General was picketing in the city and repairing the forts, and that they were anxiously awaiting the troops from the frontier; they would then have a force of eight hundred, exclusive of the Orleans volunteers.² Twenty-four hours later he sent a second letter to Washington:—

“If General Wilkinson is not greatly mistaken,” he confided to Madison,³ “the safety of this Territory is seriously menaced. You may, however, be assured that every exertion will be made to repel the advancing foe. General Wilkinson tells me that he has heretofore received hints of a Mexican expedition, and from the characters who it seems are the leaders of the present plot; but had attached no consequence to their conversation, under an impression, that unless sanctioned by the government, no men of reputation and talents could seriously contemplate an object of the kind. General Wilkinson will doubtless become extremely obnoxious to the associates; but his fidelity to his country will be justly appreciated by the good and virtuous.”

Claiborne also assured the Secretary of State that the greater part of the inhabitants of the city could be depended upon to render assistance, while many of those to the west of the Mississippi would die for their country.

December 5th, the Governor received further proof of the danger to which the country was exposed. It was a communication from Andrew Jackson:

¹Journal, p. 349.

²Claiborne to Dearborn, December 4, 1806; Journal, p. 350.

³Claiborne to Madison, December 5, 1806; Journal, p. 352.

"Put your town in a state of defense," said he to Claiborne. "Organize your militia, and defend your city as well against internal enemies as external. My knowledge does not extend so far as to authorize me to go into details, but I fear you will meet with an attack from quarters you do not at present expect. Be upon the alert—keep a watchful eye on our General—and beware of an attack as well from your own country as from Spain. . . . I fear there are plans on foot inimical to the Union—whether they will be attempted to be carried into effect or not, I cannot say—but rest assured they are in operation, or I calculate badly—beware of the month of December. I love my country and government—I hate the Dons—I would delight to see Mexico reduced; but I will die in the last ditch before I would yield a foot to the Dons or see the Union disunited."¹

Claiborne afterwards said that this letter had re-enforced in his mind Wilkinson's stories—which was no doubt true. But it did not raise the slightest question as to the honesty of the General, who still advised under pain of disaster the closeting of the secret. That Claiborne could not keep; he exposed the whole of it to Mayor Watkins, who advised the immediate dispatching of a courier to the various Governors of the Western States.² Evidently Claiborne thought of acting on this advice, for we find in his Journal (p. 352), under date of December 5th, the following:

"To the governors of Tennessee, Kentucky, Ohio, and Indiana: I have every reason to believe that an armed association is forming in the Western country under the direction of Colonel Aaron Burr, with designs hostile to the government, laws and territories of the United States. I give you this information in full confidence

¹Jackson to Claiborne, November 12, 1806; Jackson MSS.

²*Orleans Gazette*, April 7, 1807.

that you will make the necessary exertions to ascertain the extent of his lawless combination and to defeat their wicked machinations."

It is probable that this circular letter never left the office of the Governor; at least no trace of it elsewhere has been found. The ensuing day, however, he sent J. W. Gurley to Cowles Meade, the Secretary and Acting-Governor of the Mississippi Territory, with a verbal story of the apprehended trouble.¹ Meade replied calmly that his mind had been prepared for such intelligence, but that the people were patriotic and that therefore there was nothing to fear.² Indeed almost a month earlier he had written Claiborne concerning the conspiracy, denouncing Wilkinson in the strongest terms:³—

"It is believed here," said Meade, "that General Wilkinson is the soul of the conspiracy, and a requisition late made of me for five hundred militia has confirmed the suspicion in the minds of many. This militia was required to defend, or protect New Orleans, and support the laws and government of the United States. Is New Orleans invaded? Is it threatened? Or is it believed that any enemy is nearer than the general himself? General Wilkinson is concentrating the whole military force of the United States at New Orleans. He has ordered down the troops from Natchitoches, from Fort Stephens, and Fort Adams—this last fort is entirely dismantled—all the ordnance taken away for New Orleans or elsewhere. What is all this for? Is it to act for you or against you?"

Thus before Burr was accused the second time in

¹Claiborne's Journal, p. 362.

²Journal, p. 385.

³Journal, p. 407.

Kentucky, before the Proclamation had been inspired, before the General had made his way into the Crescent City the people of Mississippi felt that some mysterious danger was impending, but suspected Wilkinson—with whom Burr was always associated—of being at the bottom of it. It is perfectly clear that Meade had no confidence in the General, while he expressed his utmost faith in the virtue and loyalty of the citizens. Because of his distrust in the one case and confidence in the other, he was accused of being in sympathy with the conspirators by Wilkinson and Governor Williams of Mississippi and dismissed from office. Nevertheless, he was beyond question the most efficient official in the West—and therefore could expect no better reward.

By the sixth of December Wilkinson thought the city ready for a step forward. As yet, indeed, the inhabitants knew nothing of what was in his mind and could only feel that his urgent preparations betokened an impending calamity. The city quaked with perturbations and alarms. On the day in point Wilkinson sent the Governor the following utterly unconscionable letter, calculated to unnerve him completely:¹—

“The dangers which impend over this city,” said the General, “and menace the laws and government of the United States, from an unauthorized and formidable association must be successfully opposed at this point, or the fair fabric of our independence purchased by the best blood of our country will be prostrated, and the Goddess of Liberty will take her flight from this globe forever. Under circumstances so imperious, extraordinary measures must be resorted to and the ordinary form of

¹Journal, p. 359.

civil institutions must for a short period yield to the strong arm of military law. Having exposed to you without reserve the authentic grounds on which I found my apprehensions, you can readily comprehend the high, solemn and important considerations by which I am moved, when I most earnestly entreat you to proclaim martial law over the city, its ports and precincts. For, unless I am authorized to repress the seditious and arrest the disaffected, and to call the resources of the place into active operation, the defects of my force may expose me to be overwhelmed by numbers, and the cause and place will be lost."

He also combated Claiborne's suggestion that the militia should be called out and stationed above in the Territory. "You could not for a moment withstand the desperation and superiority of numbers opposed to you and the brigands, provoked by the opposition, might resort to the dreadful expedient of exciting a revolt of the negroes."

Fearing the effect of his appeal Wilkinson rose next morning at six o'clock to reënforce his argument:¹—

"Captain Shaw informs me he cannot proceed with the river defences without carpenters and sailors, who are not to be had but by requisition. Proclaim martial law, and this with many other evils will be remedied. On this subject in the present eventful moment, I must entreat you to act with decision;—I believe I have been betrayed, and therefore shall abandon the idea of temporizing or concealment, the moment after I have secured two persons now in this city.—Our measures must be taken with promptitude and decision, regardless of other consequences or considerations than the public safety, for I apprehend Burr with rebellious bands may soon be at hand."

¹Journal, p. 363.

It appears that he deliberately tried to frighten Claiborne into proclaiming martial law : lack of carpenters, the presence of enemies, his own betrayal, and the nearness of Burr's "rebellious bands." But the Governor discovered that carpenters could be had, and, in the event of immediate danger, the militia of Orleans could be called out; while the matter of the General's betrayal seems not to have elicited response even from Claiborne.¹ It is apparent that he was not fully in sympathy with the commander-in-chief of the army, for he did not feel martial law to be the only salvation.

"Preparatory to the declaration of martial law," he wrote Meade on the eighth,² "the suspension of the writ of habeas corpus would be necessary; but this high prerogative can, in my opinion, be alone exercised by the territorial legislature, and was that body in session I should, under existing circumstances, advise the measure. As to martial law, I shall not proclaim it; but as the danger increases, such measures will from time to time be resorted to, as the general safety may require."

The following day the Governor addressed a note in French to the commanders of the militia of the city saying that various reasons had led him to believe that a large and dangerous body of men were to descend the Mississippi and imperil the city. He therefore requested that the militia be made ready to march; that the slaves be watched, and that guards be mounted.³ There were also signs of weakening in his attitude toward delivering the city over to the military power. He wrote Madison that he was well assured that Burr

¹Journal, p. 364.

²Journal, p. 365.

³Journal, p. 366.

had agents in the city, but that it was difficult to bring them to justice; and in the next breath he took up the matter of the habeas corpus:¹

“I continue to think that the power of suspending the privilege of the habeas corpus more properly devolves upon the legislature, but if the danger should augment and the privilege of the habeas corpus should by impeding the arrest of the suspected be found to favor the escape of the guilty, it is probable that I shall by proclamation direct the suspension thereof, and plead in justification the necessity of the case.”

The ninth of December is memorable by reason of the seizure of the Muskingum flotilla and the discovery of the secret of the conspiracy to the inhabitants of New Orleans. At the request of Wilkinson and the Governor the members of the Chamber of Commerce met at the Government House. The assembly was called to order by Paul Lanusse, Richard Relf acting as secretary. Claiborne at once arose and stated that they had been convened in order that steps might be devised to defeat Burr who was about to attack the city. He thought that money ought to be donated for the purpose of equipping soldiers and sailors to man the guns on land and water. He hoped, he said, that Captain Shaw would be at once reënforced. When the Governor had finished the General took up the theme, telling of the plot and how he had discovered it; remarking that his knowledge of the premeditated expedition had been first communicated to him by a special messenger of the conspirators on the eighth of October, at the moment he was preparing to proceed to the

¹Journal, p. 367.

Sabine. The object of making him acquainted with the plot was the hope of his coöperation with them; but without letting the messenger know his determination he had set out for the Sabine where he settled the boundary controversy, and with all the expedition in his power had repaired to New Orleans where he intended to concentrate his forces in order to defend it or perish in its ruins. He added that while he was at Natchitoches he had received a message from New Orleans on the same subject, and that there were several persons in the city whom he knew to be concerned in the plot. These he would have arrested long since had he had the power. His object in coming to the city was to prepare it for defense; but the subsequent advices from the invaders led him to believe that their forces would be greater than he at first expected, therefore he had changed his plans and intended if possible to attack them before they reached New Orleans. He flattered himself that if they could succeed in manning the flotilla and could encounter the foe above Natchez they might be forced to land and thus be annihilated. To effect this object it was necessary that there should be no delay, for by all advices the enemy, at least 2,000 strong, were to arrive at Natchez on the twentieth instant. He observed that the leaders of the plot were supported by some of the first characters of the Union; that their primary object was to reduce New Orleans so that arms, provisions, and boats might be procured for an attack on Mexico, which was to proceed both by land and sea. In case good fortune attended the enterprise the Western States were then to be separated from

the Union. To give efficiency to the execution of the plot, armed but disguised vessels were to come into the river to serve as convoy for the expedition which was to sail from thence to Vera Cruz. He concluded with pledging his life in the defense of the city and his country. The Governor and General thereupon withdrew and the merchants discussed the matters which had been laid before them. If the expedition could be defeated by manning the war vessels, that should be done. They immediately voted an embargo and agreed to release any sailor of their merchantmen who desired to enter the navy.¹ Acting under this agreement, Claiborne at once instructed Captain Shaw to permit no vessel to leave port without orders from Wilkinson or himself.²

Now, indeed, so far as the public was concerned, the screen had been thrown aside. The mystery which had surrounded the actions of the General had been swept away in a gust of confidence. The reason for the hasty construction of defenses was made plain; but the excitement lessened, for it is a truism that so long as a thing is half concealed it creates the greater interest. One naturally asks why Wilkinson spent two weeks in New Orleans before making public his important information; or more properly, why he had kept the secret for two months from the people whose properties were to be sacrificed. He pretended to fear that hostile war vessels, both English and American, would

¹Claiborne to Madison, December 9, 1806; *Journal*, p. 306. *Orleans Gazette*, December 9, 12, and March 31, 1807. *Gazeta de Mexico*, January 17, vol. xiv., 36.

²*Journal*, p. 388.

come up the river, and actually sent Lieutenant Swan to Jamaica to look after the English dispositions, receiving a scornful note from the admiral in reply. Notwithstanding, the only guard stationed at the mouth of the river was the custom-house. Wilkinson's own reasons for his silence were the following:

"I represented to him [James Brown] that I had concealed my intentions from the double view of preserving my person from assassination, and to keep open the channels of communication by which I received information of their secret designs and movements, and that the conduct of the emissaries, I added, had been hitherto so circumspect, as to put it out of my power to convict them of any overt act to justify their commitment without bail."¹

His silence then had not been inspired by an ardent desire to save the city, which, according to his frequent letters, was menaced from within and from without, but to save himself from assassination and to make a case against those unfortunates who had once plotted with him the conquest of Mexico! If there is anything that is disgusting it is Wilkinson's sheepish fear of death. He spoke of it elsewhere in one of his famous letters to Jefferson. But fear of assassination, which he knew he probably deserved from having turned traitor to his friends, did not interfere with the game he was playing for all its worth. The day after he had paraded before the merchants he wrote Daniel Clark, then in Washington as Territorial delegate from Orleans:²—

¹Statement concerning James and John Brown, December 6, 1806; Letters in Relation.

²Clark's *Proofs*, Note 70.

“I refer you to the bearer, Mr. Donaldson, for the interesting scenes which agitate our darling city and poor devoted Louisiana. I am here to defend her against revolution and pillage by a hand I have loved. Suspicion is afloat, and numbers are implicated. . . . By the last advice Burr expected to reach Natchez with 2,000 men the 20th instant. If he brings no more, he will not dare to approach this place, where I shall to-morrow have 1,000 regular troops; and your Creoles will turn out with great vivacity. I am pushing an armed flotilla high up the river, to drive the revolutionists on shore, and save your plantations and prevent the insurrection of your negroes.”

Strange that in the midst of such perilous times Wilkinson could write reassuring letters as to his strength and the loyalty of the Creoles. There was, however, ground for his optimism. Besides, he knew the impossibility of such a body of men being transported in a single expedition down the Mississippi, for he had spent weeks arranging for the removal of a twentieth part of that number from St. Louis to Fort Adams. Yet he pretended that a private individual in a three-month space could muster and embark an army of from two to eight thousand men in a civilized community for the purpose of sacking a city of their own country! Also his expression of confidence that Burr would not dare to approach New Orleans was never whispered to the “darling city and poor devoted Louisiana.” On the contrary he poured constant alarms into the too willing ears of the Governor, and deliberately terrified the inhabitants.

The twelfth he wrote Claiborne, “For heaven’s sake take decisive measures to raise the sailors required by Captain Shaw—if this is not soon done, I shall be

under the necessity of adopting different measures and making a change of position with at least five hundred of the troops.”¹ He was answered immediately. The General was asked to devise some scheme whereby the sailors might be procured, and whether he thought impressment ought to be resorted to. Claiborne continued:

“I am sincerely desirous to coöperate with you in all your measures. Many good disposed citizens do not appear to think the danger considerable, and there are others who (perhaps from wicked intentions) endeavor to turn our preparations into ridicule; but these things have no effect on my mind.”²

The General’s air of blustering seriousness together with his preparations became in due time the laughing-stock of the populace; and he realized that the influence of the conservative element was working in Claiborne, but he had not yet despaired of winning him over. In a note of the fifteenth he upbraided the Governor for his colorless action:³—

“Having put my life and character in opposition to the flagitious enterprise of one of the ablest men of our country, supported by a crowd of co-equals, ceremony would be unseasonable and punctilio unprofitable; I therefore speak from my heart when I declare that I verily believe you are sincerely desirous to coöperate with me in all my measures; but pardon the honest candor which circumstances require and my situation demands, when I observe that with the most upright and honest intention you suffer yourself to be unduly biased by the solicitations of the timid, the capricious or the wicked who approach you and

¹Wilkinson to Claiborne, December 12, 1806; Journal, p. 371.

²Claiborne to Wilkinson, December 12, 1806; Journal, p. 372.

³Wilkinson to Claiborne, December 15, 1806; Journal, p. 378.

harass you with their criticisms on subjects which they do not understand, and their opposition to measures which they do not comprehend, or which, understanding, they are desirous to prevent or to defeat. What will our alertness import, without force and energy to support it? And can we be prepared without means? Shall our reverence for our civil institutions produce their annihilation, or shall we lose the house because we will not break the windows?"

The merchants were among the first to ignore Wilkinson's alarms. However willing they appeared at first to part with their seamen, they soon relented and took measures to retain them. This act of confidence exasperated Wilkinson, who retaliated by demanding of Claiborne the impressment of the sailors for six months. The latter urged that two months was time enough; later offering to compromise by making the term of enlistment expire with the destruction of the lawless banditti from the Ohio. But the General replied that in his "cool and deliberate judgment" and from "his knowledge of Burr's character and desperation" and from "the apparent toleration and support which he receives in Kentucky and Tennessee," we have reached an extremity in public affairs, which imperiously demands "the momentary dispensation of the ordinary course of our civil institutions to preserve the sanctuary of public liberty." The seamen should be "compelled to serve the country which gave them birth and gives them protection."¹ Wilkinson's purpose needs no elucidation. But after the first wave of excitement had spent itself, society at New Orleans assumed a stolidity upon which the General's alarms beat

¹Gayarré, iv., 167.

in vain. Only now and again was there a ripple of excitement, caused by some startling report or sudden usurpation.

December 14, 1806—Burr and Adair were riding into Nashville—Wilkinson began that series of military arrests which served as precedents for the worst of Reconstruction times, and which, when causes are considered, are still unparalleled. On his own authority, and in violent conflict with the civil government, he arrested and detained whomsoever he pleased. He still urged, however, with all the vehemence—which at times approached insolence—he could command that Claiborne should order the impressment of seamen, should suspend the writ of habeas corpus, and declare martial law. But Claiborne resolutely refused to act in the premises, or to implicate himself in the cases arising from the military seizures, leaving their responsibility wholly to their author.¹ “The judiciary of the territory,” said Claiborne, plainly condemning the usurpation of the functions of the court, “having exclusive cognizance of offenses, is the only tribunal to which I can refer you, nor can any acts of mine arrest or suspend their powers.”

Failing to protect himself with the mantle of the Governor's proclamation, Wilkinson nevertheless held straight on his course. Erick Bollman—who had come to New Orleans by sea from New York, and with whom the General had had some interviews—Ogden, and Swartwout were the first to fall under his ban, the three being seized the same day, their papers confis-

¹ Journal, p. 383.

cated, and themselves denied the privilege of counsel. Swartwout and Bollman were confined aboard ship and within four and twenty hours were flying under full sail toward Washington, in the custody of Lieutenant Wilson, who had orders to permit the prisoners no communications save with commissioned officers. The suspects were consigned to the President, and were to be held in safekeeping till his wish was known.¹

These arrests precipitated an embittered but one-sided contest with the courts. On the afternoon of the fifteenth Alexander d'Avergne sued out a writ of habeas corpus before Judge Sprigg of the Superior Court in behalf of Bollman. But the judge would not act alone—Mathews, his associate, was absent—so the matter went over to the following day, when a writ was obtained. Writs were likewise granted by James Workman, judge of the County of Orleans, in favor of Ogden and Swartwout. Return was made the next day at five o'clock by Captain Shaw, who, after a consultation with Claiborne, gave over Ogden—the other two were not in his keeping. Ogden was brought before Judge Workman, but no evidence being offered against him he was discharged.

Amid the excitement attending these first seizures, Claiborne issued, December 16th, a proclamation² against an unlawful combination associated for the purpose of overthrowing the Government of the United States in part of its territory, and of invading the Kingdom of New Spain with which we were at peace. He

¹*Orleans Gazette*, February 27, 1807.

²*Moniteur de la Louisiane*, Number 677; *Orleans Gazette*, December 18, 1806.

therein warned the citizens of the Territory of Orleans to abstain from any connection whatever with the associates, pointing out the consequences by quoting the Federal statutes which provide severe penalties for such infractions of the law.

Wednesday, the seventeenth of December, Wilkinson's aide, appearing before the Superior Court to answer the writ for Bollman, read the following order over the General's signature:

"The commander of the army of the United States takes on himself all the responsibility which may result from the arrest of Erick Bollman, who is accused of being guilty of the crime of treason against the government and the laws of the United States, and I have taken opportune measures to warrant his safe delivery into the hands of the President. General Wilkinson adopted this precaution only after many conferences with the governor and two judges of this territory, desiring alone to secure the nation which is menaced to its foundation by a band of traitors associated with Aaron Burr whose accomplices stretch from New York to this city. . . . Nobody holds in higher regard than I, the civil institutions of his country, and only to maintain and perpetuate the sacred attributes of the Constitution against the hands of daring violence have I arrested Bollman, as I shall arrest, without respect to class or station, all those against whom I have positive proof of being accomplices in the machinations against the state."¹

In support of these statements the General sent to the court a paper which he declared to be a copy of Burr's cipher letter;² also some notes of Dr. Bollman, adding that other important discoveries had been made,

¹*Orleans Gazette*, December 18, 1806. *Gazeta de México*, xiv., 40.

²See p. 74.

but that the time was inopportune for their disclosure. Now, too, he chose to send the President a copy of Burr's cipher letter, which Jefferson had frequently requested. In the same communication he took up the matter of his arrests, the news of which he had already reported:¹—

“Sir, since my last of the 14 inst., writs of habeas corpus have been issued for the bodies of Bollman, Swartwout and Ogden, the two latter by Judge Workman who is strongly suspected for being connected with Burr in his conspiracy, as I have proof this man declared some time since that ‘the republican who possesses power and does not employ it to establish a despotism is a fool.’ His writ for Ogden was served on Captain Shaw of the navy who had been in charge at my request on board the *Etna* bomb ketch. He delivered him up, and Mr. Workman has discharged him without giving me a word of information, although he knew he was confined by my order for a treasonable combination with Burr, and Mr. Ogden now struts at large. Swartwout, I have sent off and shall so report, holding myself ready for the consequences. Bollman was required by the Superior Court, but I have got rid of that affair also, under the usual liability for damages, in which case I shall look to our country for protection.”

While Wilkinson was thus engaged in hedging, Shaw and Claiborne appeared at headquarters to argue against his summary military arrests. But he answered them that he would do as he thought best.² It followed that Ogden was not long to ‘strut at large.’ Within twenty-four hours he was again arrested along with Mr. Alexander, and the two were escorted over the river and incarcerated. A week later they were

¹*National Intelligencer*, January 23, 1807.

²Journal, p. 391.

removed to Fort Saint Philip, near the mouth of the Mississippi; and two days afterwards Alexander, who was never shown to have been guilty of other crime than suing out writs for his friends,¹ was forced to sail for Washington without money and badly provided with clothing, notwithstanding the fact that winter was raging.² Ignorant of the whereabouts of the prisoner, John Williamson and Edward Livingston applied to Workman for writs.³ These were granted and served on the General who returned at once an answer as complete and unappealable as Napoleon could have given:⁴

“General Wilkinson requests the Honorable Judge Workman may have the goodness to receive the general’s answer to the Superior Court of the Territory in the case of the traitor Bollman, as applicable to the traitors who are the subjects of this writ.”

Livingston thereupon pressed the matter in order to force from Wilkinson a “more explicit return to the writs, or shew cause why an attachment should not issue against him.”⁵ The question was now put to Claiborne by Judges Hall, Mathews, and Workman whether he would assist the civil authorities against General Wilkinson; but no satisfaction was received, and meantime the General had ignored the court’s de-

¹Letter of Alexander, Baltimore, February 13, 1807; *Orleans Gazette*, April 17, 1807.

²Letter of Alexander, Washington, February 9, 1807; *Orleans Gazette*, March 31, 1807.

³“A Letter” (pamphlet issued by James Workman, 1807), p. 12.

⁴“A Letter,” p. 14.

⁵Martin’s *History of Louisiana*, ii., 281.

crees. Livingston, therefore, on the twenty-sixth moved for an attachment against him. The General simply unmasked his batteries:

"The undersigned, commanding the armies of the United States, has taken upon himself the responsibility of arresting Peter V. Ogden, on a charge of misprision of treason against the government and laws of the United States, and has the honor to inform the Honorable James Workman, judge of the county of Orleans, that the body of the said Peter V. Ogden is not in his power, possession or custody."¹

Judge Workman upon the receipt of this ultimatum, for the third time appealed to Claiborne to know whether he meant to support the civil government against the military. He explained the difficulties, setting forth that Wilkinson commanded the army of the United States and also a large part of the militia of the Territory, a state of things rendering it exceedingly delicate as well as dangerous to attempt the enforcement of the attachment by the usual method, the *posse comitatus*. But never a word sent Claiborne in reply. He contented himself with appealing to Wilkinson to yield to the civil authorities.² However, the advice was no more heeded than Workman's writs. January 5, 1807, the judge of the County of Orleans sent his last unavailing protest to the Governor; then, waiting a week for a reply, he took the only step left open to him:

"Not having received," he said to Claiborne, "any answer to my letter to your excellency of the fifth instant,

¹"A Letter," p. 14.

²Gayarré, iv., 172.

and considering your silence on the subject of it as a proof, in addition to those that previously existed, that your excellency not only declines the performance of your duties as chief magistrate of this territory, but actually supports the lawless measures of its oppressor, I have adjourned the court of the County of Orleans *sine die*."

Claiborne never flinched under this stirring reproof of his passivity;—by his failure to resist the encroachments of the military power, to support the established machinery of government, he gave his assent to the extraordinary régime the General had seen fit to inaugurate. The city was in fact delivered over to Wilkinson. Judge Workman no longer protested, but grimly resigned.¹ In his own justification he wrote to the Legislature of the Territory:²—

"The public journals have announced my resignation as judge of your county. I offer the following letters and documents to your notice, anxious to prove that I did not quit my post at a time of difficulty and peril, for any other cause than the failure of my efforts to obtain from the executive the support necessary to the performance of my duties. Every possible exertion was made by me, but in vain, to repress the usurped power that subverted and insulted the law."

Wilkinson early decided to denounce Workman, and did so to Jefferson; to Claiborne he averred, "It pains me to add, but it is my duty to declare, that I have the strongest grounds for believing that Judge Workman has been deeply and actively engaged in these nefarious projects."³ To Clark he wrote, "Work-

¹"A Letter," p. 14.

²*Orleans Gazette*, April 10, 1807.

³Wilkinson to Claiborne, December 14, 1806; *Journal*, p. 427.

man and Kerr have been discovered in an intrigue to corrupt the army and to plunder the bank.”¹ The truth was that Wilkinson had learned months before from Burr that Workman was enthusiastic in their cause; it was politic, therefore, to compromise him, and, giving out these rumors as his excuse, he sent a patrol to seize the judge, likewise Kerr; and both were held for trial at Natchez. Editor Bradford, too, of the *Orleans Gazette*, was arrested; but on second thought the General had him released. Nevertheless, the fact of the interference had a stifling effect. As the *Augusta Herald* facetiously expressed it, ‘A military government had so entirely superceded the civil authorities, a printer dared not publish a political paper because of the expense attached to a northern voyage.’²

At high noon, January 14th, while Burr and his associates were meeting difficulties at Bayou Pierre, John Adair of Kentucky rode into New Orleans and established himself at Madame Nourage’s boarding house. A contemporary has left us this account of the next act:³—

“January 14, General Adair arrived in New Orleans. This gentleman, it was reported, was to hold a dignified position in Burr’s army. He made his entry into the city about one o’clock and alone. He took up his lodging at a public boarding house, and being indisposed sent a message to the governor to inform him of his arrival and requested that information might be sent General Wilkinson to the same effect. He mentioned that he left Nashville December 22, and that Burr was then there with

¹Clark’s *Proofs*, note 71.

²*Orleans Gazette*, May 14, 1807.

³*Orleans Gazette*, April 3, 1807.

only two flatboats destined for this city. He had been in New Orleans but once, in 1800, when he remained but a few days and could not have had any extensive acquaintance. He had very recently occupied a very high governmental place and was esteemed greatly for his talents and bravery. About four o'clock on the same day of his arrival, while at dinner, a detachment of regular troops, 150 strong, commanded by Lieutenant-Colonel Kingsbury, posted themselves before the door of the hotel. Adair was violently dragged from the table, paraded through the streets to the gaze of the people, and though sick, was committed to close confinement in cold barracks, and denied the writ of habeas corpus."

Adair, too, was hurried away by sea on the charge of being an accomplice of Burr. As late as February 25th, Lieutenant Spence, who had carried messages to Burr in Kentucky, was made a prisoner; but with the arrest of Adair came the climax of Wilkinson's high-handed measures. He had made a number of seizures, but in the end not one was justified. Their conviction, however, was a matter of secondary importance compared with the attitude Jefferson might assume toward him; and that that attitude might be favorable, no effort was relaxed to prove that sincerity and unselfishness, patriotism and honor were the impelling springs of his conduct. As a given set of circumstances, properly correlated, produce an event, so Jefferson's alliance with the chief of the army was inevitable. It was publicly announced in the Proclamation. Henceforth accusations against Wilkinson were reflections on the President. It was therefore obvious that the General's measures for the defence of New Orleans would

be approved. In a letter of February 3d to Wilkinson the Executive not only expressed his approbation of them, but offered suggestions to bridge over the inexplicable chasms which appeared here and there.

“Your belief,” he said, “that Burr would really descend with six or seven thousand men was no doubt founded on what you knew of the numbers which could be raised in the Western country for an expedition to Mexico, *under the authority of the Government*; but you probably did not calculate that the want of that authority would take from him every honest man, and leave him only the desperadoes of his party, which in no part of the United States can ever be a numerous body. In approving, therefore, as we do approve of the defensive operations for New Orleans, we are obliged to estimate them, not according to our own view of the danger, but to place ourselves in your situation, and only with your information.”¹

Jefferson spoke, too, approvingly of the arrest of Swartwout and Bollman and others, but Wilkinson was warned to refrain from making prisoners of those against whom there was no proof of guilt. The same day the President wrote Claiborne, grimly predicting the struggle which was to extend beyond the precincts of the Capital to the trial at Richmond—even further still—a struggle in which strenuous effort was made to strangle Thomas Jefferson with the soiled hands of Wilkinson.²—

“The Federalists and the little band of Quids in opposition will try to make something of the infringement of liberty by the military arrest and deportation of citizens;

¹Jefferson to Wilkinson, February 3, 1807; Jefferson MSS.

²Jefferson to Claiborne, February 3, 1807; Jefferson MSS.

but if it does not go beyond such offenders as Swartwout, Bollman, Burr, Blennerhassett, Tyler, etc., they will be supported by the public approbation."

New Orleans had been so engrossed with the military seizures that no notice had been taken of the arming of the war vessels. The work on the fortifications became a purely perfunctory employment for idle soldiers, while in the midst of the impending dangers the General remembered to celebrate the day on which Louisiana became a part of the territory of the United States. The loyalty of the inhabitants no longer admitted of a doubt, for by the end of December there were nine hundred men completely armed—independent of volunteer corps—and ready to be called into active service at a moment's notice.¹ January 3d those citizens who were not yet members of any military organization solemnly agreed to form themselves into such an association for "the purpose of being at all times ready when called upon by the constituted authorities to support the government of the United States." Their reason for this action was that the "existing state of our public affairs leads to an apprehension of our being drawn into a war with some foreign power."² Just then it must have been singularly displeasing to Wilkinson to hear Louisianians talk of a foreign war, for, although he had written Clark that the Creoles would turn out with vivacity in defense of the country, he had declared to the world that New Orleans was the hive out of which would swarm an army of conspira-

¹Claiborne to Wilkinson, December 29, 1806; *Journal*, p. 396.

²*Orleans Gazette*, January 10, 1807.

tors to follow the standard of Burr! And in January, 1807, he spoke again of their factions and sedition:¹—

“Cet bête [Claiborne] is at present up to the chin in folly and vanity,” he confided to Clark. “He cannot be supported much longer; for Burr or no Burr, we shall have a revolt, if he is not removed speedily. The moment Bonaparte compromises with Great Britain will be the signal for a general rising of French and Spaniards, and if the Americans do not join, they will not oppose.

Wilkinson’s political prophecies strikingly recall the auguries of Merry and Yrujo; and like them were equally barren of probability and common sense. To hold to-day the loyalty, to-morrow the disloyalty of a city which remains unchanged was a feat of judgment-gymnastics which Wilkinson accomplished successfully. It was all a part of his programme; and because of his successes his conceit knew no bounds. He could now indulge in a pleasantry with Clark over an attack made on him by Livingston which only excited laughter—“so much for the establishment,” he repeated, “of an improved character.”

Although Cowles Meade was not possessed of “an improved character” of the type Wilkinson could boast, he proved not less patriotic; and, while keeping watch over the Mississippi, continued to warn Claiborne of the General:²—

“Should he [Burr] pass us,” wrote Meade the eve before Christmas, “your fate will depend on the general, not on the colonel. If I stop Burr, this may hold the general in his allegiance to the United States; but if Burr passes this territory with 2,000 men, I have no doubt but

¹*Proofs*, Note 71.

²Meade to Claiborne, December 24, 1806; *Journal*, p. 387.

the general will be your worst enemy. Be on your guard against the wily general. He is not much better than Cataline—consider him a traitor and act as if certain thereof; you may save yourself by it.”

Burr never passed; and moreover he had a way of procrastinating which was likely to exhaust the patience of very patient people. The embargo—which had been rigidly enforced in Louisiana since December 9th, and which had occasioned extensive losses to those engaged in commerce—at the urgent petition of the merchants was raised the last day of the year. Not that vigilance was relaxed, for already the *Aetna* and two gunboats were guarding the approaches to the city from above, while by the end of December the ketch *Vesuvius*, the schooner *Revenge* and gun-barge *Number 2* were anchored in the vicinity of Natchez. They were instructed to destroy Burr’s flotilla.¹ But with all this protection, and despite the fact that Wilkinson knew Burr’s only means of transportation lay in his flat-boats, which were also his vessels of war, he continued his clamor. Lieutenant Carson was sent to Balize, near the mouth of the Mississippi, for the purpose of examining the cargoes and passengers of incoming vessels,² while already there were in force stringent regulations concerning the arrival and departure of ships:³—

“No vessels, boats, barges, rafts or flotillas, containing cannons, powder, arms, ammunition, military or naval stores of any description whatever, will be permitted to ascend the Mississippi without passports signed by Gov-

¹Claiborne to Shaw, January 1, 1807; Journal, p. 398.

²Claiborne to Captain Johnson; Journal, p. 412.

³*Orleans Gazette*, January 20, 1807.

ernor Claiborne. Also any boat containing these things descending the Mississippi must be brought before Governor Claiborne for his pleasure."

January 6th, the Governor called on the farmers near the city to lend him for a few days one-tenth of their laboring negroes, so that he might be enabled to complete the fortifications.¹ He also wrote in pretended uneasiness to Colonel Bellechasse:²—

"I am told, Sir, that you were invited to take part in an unauthorized expedition to Mexico, and that, as a preliminary measure it was proposed to seize upon the person of the present governor of the Territory of Orleans and to send him away by force—that another governor should be immediately elected by the people—and that you should be named commander-in-chief of the militia. You are a member Sir, of the Council of the Territory and commander of the First Brigade of militia; I call upon you therefore to speak the truth regarding this information."

Bellechasse denied the imputation, and every act of his during the crisis and afterward proved that it had no foundation. He made affidavit to the effect that in the month of October, before Clark embarked for the Atlantic coast, en route to Washington, the latter called together some of his friends—

"and informed them of some of the views and intentions imputed to Burr, which were then almost the sole topic of conversation, and which, from the reports daily arriving from Kentucky, had caused a serious alarm; and he advised them all to exert their influence with the inhabitants of the country to support the Government of the

¹Journal, pp. 412, 413.

²Journal, p. 413.

United States and to rally round the Governor, although he thought him incapable of rendering much service as a military man,—assuring them that such conduct only would save the country if any hostile projects were entertained against it, and that this would be the best method of convincing the Government of the United States of the attachment of the inhabitants of Louisiana, and of the falsity of all the reports circulated to their prejudice.”¹

Excitement ran high in Kentucky even as early as July, and by October it had made itself felt not only in Louisiana, West Florida, Texas and the East, but also in Mexico. That the knowledge of the conspiracy in New Orleans was dependent on the presence of Burr’s emissaries can be shown neither by reason nor data—that they should have preceded the army thus to alarm and arouse opposition would be to credit the associates with as little foresight as virtue. But just as Jefferson heard nothing but rumors of the project till Wilkinson had made his exposures, so society in Louisiana was not cognizant of the real purposes of Burr prior to the meeting of the merchants in the Government House, December 9th. Wilkinson alone lodged the charge of treason!

At one o’clock, January 6th, an aide-de-camp of the General read the following in the Coffee House and had it entered on the books:²—

“General Wilkinson regrets that it is not in his power, from a pressure of public interests, which imperiously command his attention, to be at the Coffee House as he intended this day. He therefore takes this mode of warning the merchants and ship owners to hold their vessels

¹*Proofs*, p. 145.

²*Orleans Gazette*, May 8, 1807.

in readiness to haul off into the stream should it be found necessary, on the shortest notice.—But he begs that this may be considered merely as a salutary precaution, not that he believes Colonel Burr is at Natchez, or that he will ever reach this city, under his own volition—and he warns the citizens not to respect the rumors in circulation, because the general by a letter from Colonel Burr's own hand, written to Dr. Bollman, is authorized to say that the colonel's utmost calculation of force did not exceed 6,000 and that he would in person precede the main body with 2,000 men to Natchez, where he intended to halt. The faithful citizens may be assured that with moderate exertions only, and the expulsion of traitors, the storm will burst over the heads of its authors, and hurl them headlong to perdition, whilst the inhabitants of this city shall dwell in security."

The art of mingling alarm and confidence had been assiduously cultivated by the General, but it will be conceded that this effort was a pitiable failure. The question must have been asked by many what Burr meant to do at Natchez and Baton Rouge. Would the "traitors" pass untouched so much plunder? And was New Orleans, indeed, the sole object of their predatory ambition?

The seventh of January, at the behest of Wilkinson, the city council passed an ordinance of unusual stringency:¹—

"Every person entering New Orleans shall be detained twenty-four hours and shall declare to the authorities his name, age, business or profession, from whence he came and the motives which brought him hither; the captains of all boats shall be detained for twenty-four hours after arriving in order to furnish lists of passengers conforming to the above to the officer on guard at the levee, on pain

¹*Moniteur de la Louisiane*, January 10, 1807.

of a fine of \$50. Every citizen and hotel-keeper must send every five days to the mayor a list of those in their establishments, on pain of a fine of \$99."

Wilkinson was gradually reaching the limit of his artifices, and in attempting to keep up the alarm he only rendered himself ridiculous. Indeed, at the moment he was instigating the council to pass the above capricious order, the editor of the *Gazette* had the audacity to say that, concerning the Burr enterprise, it was

"impossible to discover the real circumstances of the case in contradiction to those vague and idle rumors, which have served only to agitate and mislead the public mind. . . . From the best information we can collect the object of Colonel Burr is obviously an attack upon Mexico, and not, as has been alleged, the parricidal attempt to dismember the Union."¹

Later the matter was put in a different light and pointedly by "Centurio," in the *Gazette*. Speaking of Wilkinson's tale of Burr's hosts, he said:²—

"That such an army was approaching was never believed or affected to be believed but by those who were interested in keeping up the alarm; by the great men, as all their greatness depended on it, and by their little ones, because they have among them some snug contracts for supplying the government with materials of defense."

Then, referring to Wilkinson's interference with the right of free speech, he added, "To still the blast of popular indignation by silencing the press was worthy of the then presiding genius—the calm of despotism became complete among us."

¹*Orleans Gazette*, January 8, 1807; *Palladium*, February 5, 1807.

²*Orleans Gazette*, May 8, 1807.

Slowly the days dragged past November 15th and December 20th—and still no “Declaration” had been made in the Western States and no army of 2,000 had appeared at Natchez. Moreover, not a word was heard of hostile armaments from the sea, which the General so feared, but to thwart which not an arm had been raised, although he had led Jefferson to believe that New Orleans had been selected as the point for defense because of such apprehension. Never the Declaration of Burr, never a company of traitors, and never an act of sedition—surely those were to be forgiven who questioned the reliability of the General’s information and the sincerity of his conduct.

January 14th, ignorant that Burr had been three days at Bayou Pierre, the commander-in-chief again resolved to try conclusions with the enemy in the upper country.

“It is my desire to ascend the river,” he said at length to Claiborne,¹ “in order to coöperate with our flotilla under command of Captain Shaw, to resist and if possible to defeat the lawless armament, daily expected at Natchez, under the conduct of Aaron Burr; to carry this plan into effect, I find the co-operation of a portion of the militia of the territory absolutely indispensable. . . . Mr. Burr’s approach to us will depend on the extent of his numbers; if he moves in great force his progress will be dilatory, and I trust we shall be able to anticipate him above Natchez, drive him on shore, destroy his boats and provisions, and disperse his adherents.—If he advances with 2,000 men agreeably to his proposition to Dr. Bollman of the 30th of October, I will seek him wherever he may be found, and will arrest his course and protect the country.—I am aware Sir, that this territory and the government

¹Journal, p. 426.

of the United States have many, very many enemies in this city, who in concert with Mr. Burr, aim to subvert the Constitution and the laws under which we live, to pillage this city, to seize your shipping and to carry an expedition against a country in peace with the United States."

It was peculiar irony for the General, fresh from his defiance of the courts, to talk of the subversion of the "laws under which we live." And hardly less peculiar—three months having elapsed since Swartwout appeared at Natchitoches—that he should think it not too late to "protect the country."

January 12, 1807, the Legislature of the Territory of Orleans met in regular session, and Claiborne's message, which dealt mainly with the conspiracy, was at once submitted.¹ At the instigation of Wilkinson there had been embodied in the document an article recommending the suspension of the writ of habeas corpus. Then continued the message:²—

"That many well-meaning and honest citizens may have been seduced (through various means and artifices) into a promise to participate in an unauthorized expedition to Mexico, I can readily believe; these, however, will yield obedience to the call of their country, and leave their unprincipled leaders to the disgrace which awaits them;—but it was really with difficulty I could bring myself to think that an association hostile to the government of the United States could have been entered into by our citizens. The proofs, however, are too strong to be rejected."

On the strength of what evidence had he ever believed? Notwithstanding his conviction, there were

¹McMaster (iii., 73) says it was called in special session. Many others have fallen into the same error.

²Journal, p. 415. Cf. *Orleans Gazette*, January 16, 1807.

many still incredulous, and perhaps none more so than the representatives in the territorial council. They sat behind closed doors the day Wilkinson repeated the story of the conspiracy he had told over and over. That heard, they passed at once a series of resolutions pledging their faith in the integrity of the Central Government and in the Executive of the United States, and condemning any enterprise subversive of the Constitution. Their next act was to reply to the Governor's message:¹—

“It is indeed difficult to believe that, in the bosom of a government the most free that exists on earth, plots, the success of which must be fatal to liberty, should have been formed. If, however, it be true that the ambitious and depraved men who have conceived such criminal projects have found proselytes, the Legislative Council are convinced that it is not amongst the ancient inhabitants of this territory, and that, notwithstanding the dissatisfaction which they once manifested openly when they thought themselves aggrieved, there is no perfidy, no treason to be apprehended from them by the general government. If they do not yet possess all the privileges enjoyed by the American citizen, they already set so much value on the rights which have been granted to them, that their late privation of those rights in the present stormy circumstances has created among them the most serious alarms.”

If this were indeed the timid, conservative assembly Mr. Adams assures us it was,² it is difficult to account for the spirit of this paper, which was adopted while Wilkinson was yet at the height of his power and Aaron Burr an expected enemy. It is patent that the

¹Gayarré, iv., 177.

²*History of the United States*, iii., 323.

legislators had opinions of their own; and they proceeded to express them by refusing to suspend the writ of habeas corpus on the ground that it would be a violation of the Federal Constitution. The signal for the revolt against the tyranny which the city had patiently borne for many weeks was penetrating as a bugle call. To Claiborne and Wilkinson it was a challenge they dared not accept. If there could have been doubt in the language of the reply to the Governor's message as to the course they meant to pursue, it would have vanished with the note sent by the House to Claiborne four days later:¹—

“With regard to the extraordinary measures which have taken place for some time past in this territory, although your excellency has not thought proper to reveal to the Legislature the reasons which have led to them, yet this House considers it as a sacred duty which they owe to themselves and their fellow citizens, fully to investigate those measures and the motives which have induced them, and to represent the same to the Congress of the United States.”

The House in committee of the whole soon took up the matter of a Memorial “To the Honorable Senate and House of Representatives of the United States in Congress assembled.”² After narrating in brief the history of Wilkinson's career in New Orleans, the Memorial made bold to discuss the writ of habeas corpus and the relation which ought to subsist between the civil and military powers:

“We feel grateful pleasure in referring to these constitutional bulwarks erected for our protection—an honest

¹Gayarré, iv., 178.

²*Orleans Gazette*, Extra, March 20, 1807.

pride in the consciousness that we have not rendered ourselves unworthy of the blessing—and an indignant grief which we are sure your honorable body will participate, in the reflection that the noblest plan ever devised for the protection of personal liberty—the finest theory ever imagined for the restraint of arbitrary power should, before we have well seen its operation, be rendered abortive—that the best gift offered by the United States should be violently torn from our grasp, and that, while its constitutional guardians looked tamely on, the holy temple of justice should be sacrilegiously rifled of this revered palladium of our rights.”

This was a drastic arraignment of Claiborne and Wilkinson; and stronger words still were to be used:

“Though nothing can justify, yet circumstances of extreme danger in the moment of invasion, during the suspension of civil authority, might excuse some of these violent measures.—But here no foreign enemy or open domestic foe was then, or has yet been proved to have been within any perilous distance of this city, or that treason lurked within our walls. . . . The acts of high-handed military power to which we have been exposed [are] acts too notorious to be denied, too illegal to be justified, too wanton to be excused.”

During the course of the debate on the Memorial the history of the conspiracy was reviewed by various speakers. Of these, Dr. Watkins was the most prominent and forceful. He denounced Claiborne for having assented to the perversion of the civil law; for having approved the unlawful military arrests; the illegal embargo; for having transferred to Wilkinson the command of the battalion of Orleans Volunteers without their consent and knowledge—the same militiamen being forced to arrest their fellow citizens, open letters

and serve as spies. To show how completely the General had terrorized the city, Watkins declared, "If you said Burr could not find in Kentucky a sufficient number of men, you were accused of wishing to lull the people into a dangerous security, to stifle the vigilance of government; and if you gave confidence to the General's information, that Burr could raise six to ten thousand men, you were in both cases a traitor."¹

It has often been asserted that Burr counted on this very Legislature to declare Louisiana independent and to tender him the government—that he was to wait at Natchez to receive a delegation which was to make him the offer.² Had Burr been so completely deceived? We are likewise assured that every man of wealth and influence in New Orleans knew of Burr's project; but that they had probably given it little avowed support—it was too "wild a scheme."³ Daniel Clark is cited as a type of this character. However, reasoning upon broad grounds, the proposition is untenable. How could men of wealth and influence hearken to a conspiracy which aimed at the looting of their banks, the pillaging of their stores, and at the establishment of a reign of anarchy? Men are selfish and very rarely embark in enterprises where their fortunes as well as lives are at stake. The inhabitants of New Orleans were no exception to the rule; and if they had ever been allied with Burr it was with the understanding that the troubled territories of Spain were to receive the sanctifying touch of modern enlightenment—to be

¹*Orleans Gazette*, April 7, 1807.

²Adams (iii., 323) states this case most strongly.

³*Ibid.*

freed from the bonds of mediævalism. The Creoles had indeed lived under such a régime, and for years after coming into the Union were looked upon as malcontents. History has written that they were ripe for revolt, that they were Burr's adherents, and that it was only Wilkinson's severe measures that restrained them at the crisis. The General declared that to Jefferson; but singularly enough when calm once more fell over the Mississippi Valley he confessed to Clark that the Creoles had never been connected with Burr.

"The animosities," said he, "which have been excited in this city by Burr's friends and well-wishers and his enemies and opposers are deep, rancorous, and deadly. It would seem that the former composed almost exclusively of our own countrymen and foreigners, embrace the men of talents and enterprize; but the latter comprize almost the whole of the ancient inhabitants."¹

The mass of Louisianians had indeed, prior to the enterprise of Burr, accepted in good faith the government of the United States. If there had been discontent and intrigue among the Creoles, no one can say with authority that at the crisis and afterwards their conduct was other than exemplary. When the agitation for the Spanish war was high, Claiborne sent to Dearborn a flattering commendation of their loyalty:²—

"You have already been informed of the patriotism manifested by the militia. I have to-day a new proof to render of the disposition of the people to rally at the call of government. A company of volunteer riflemen have lately been organized in this city, and have tendered their

¹*Proofs*, Note 72.

²*Journal*, p. 321.

services to march at such time and to such place as they may be ordered."

At the moment of Wilkinson's advent into New Orleans, when the storm of the conspiracy was already high, Claiborne was writing a dispatch which put the final seal on his estimate of the Creoles:

"My opinion as to the native Louisianians," he related to Dearborn, "has always been the same; a majority are well disposed, and were it not for the calumnies of some Frenchmen who are among us, and the intrigue of a few ambitious unprincipled men whose native language is English, I do believe that the Louisianians would be very soon among the most zealous and faithful members of our Republic."¹

That was Wilkinson's belief, too, when he had played his game and won. Indeed, it had always been his belief; but his winning depended in part on the case he could make out against the Creoles. They had in fact given some grounds for suspicions—and these were made the most of; but that they had been in league with Burr, whatever his plans were, seems improbable enough. With due respect to the opinions of historians, there is not a credible piece of evidence to show the contrary. Wilkinson strove with all his might to accumulate data which might be exaggerated into serving his purposes. During his dictatorship he took every precaution to secure "papers," accusing every man against whom there was the slightest inference of complicity in the unspeakable conspiracy. There was an endless confiscation of correspondence; and all the while, through the connivance of the postmaster, the

¹Journal, p. 339.

mails were rifled of every letter which excited the General's suspicions. Nor was this all. He commissioned a body of secret police, whose business it was to search for evidence. According to J. P. Reibelt, who served in that capacity and who had enjoyed a Government appointment in Orleans Territory, they were specially instructed to gather testimony which would prove that Burr meant to overthrow the Union and to attack Mexico. Reibelt wrote that the Creoles were well disposed and that nothing could be found to criminate them.¹

In fine, what is the secret of Wilkinson's conduct in New Orleans? Did he adopt his rigorous course because he knew the real intentions of the associates? When we consider that he knew of the conspiracy as early as October 8th; that he forwarded only an ambiguous notice to the Executive; that he sent no advices to the governors of the infected States; that he concluded a corrupt treaty with the Spaniards; that he dispatched a shameless aide to Mexico; that he reached New Orleans two months after he had notice that it was to be sacrificed—when we consider all these facts in connection with his unprecedented conduct in the capital of Orleans, it must appear that he was playing a master rôle of imposture, and unparalleled in our history! In sharp contrast to his studied, noisy programme the Westerners had shown an unmistakable attitude toward any design which threatened the integrity of the nation; and when they saw more clearly, turned instinctively against the alarmist who for two

¹Reibelt to Jefferson, January 16, 1807; Jefferson MSS.

long months had cried that the sword of Damocles was suspended over their heads; that treason was working darkly at the foundations of the Republic. Is it any wonder that the residents of New Orleans rose in furious passion when they found that the only acts of lawlessness which had been committed had fallen in their own midst? And could they have known at the time the other transactions of the General; could Jefferson and Congress and the country have known the whole of the circumstances—how different would have appeared the preparations the filibusters were making on the Ohio and at Clover Bottom on the Cumberland.

CHAPTER IX.

The Expedition.



MEANTIME, November 12, 1806, the very day Wilkinson was sending from Minor's Seat his terrifying messages to the officers in New Orleans, to the President and to the Viceroy of Mexico, John Graham, from Pittsburg, in the disaffected region, was calmly writing to Madison:¹—

“I have taken every proper occasion to make enquiries as to the state of the public mind on this side of the mountains, and it gives me pleasure to say that the accounts I receive from all descriptions of people, lead to a belief, that no serious impressions have been made unfriendly to the Union.”

From Pittsburg Graham dropped down the river to Marietta. Shortly after his arrival Blennerhassett called on him. Singularly enough, Graham's account at the trial of the conversation on that occasion does not accord with his correspondence, nor with the intelligence he gave Governor Tiffin of Ohio. He relates that Blennerhassett inquired of him as to the preparations being made up the river by Tyler and Dean for the expedition; as to the number of “men and settlers they had obtained”; that he “animadverted upon the conduct pursued toward Colonel Burr at Frankfort, stating, however, his belief that such conduct was not authorized by the Government.” He mentioned that Burr had bought the Bastrop lands.

¹Graham to Madison, November 12, 1806; Letters in Relation.

"He [Blennerhassett] stated also," continued Graham, "that he was to have an interest in his purchase, . . . that the object of his preparations was the settlement of this land; . . . that it was a legal one, and Government would have no right to interfere, until it was ascertained that they (meaning Colonel Burr and himself, as I understood) had an ulterior object. . . . He admitted, in the course of conversation, that he was building boats for the expedition in which he was engaged with Colonel Burr; that he was engaging young men, single and without families, to go down armed; . . . that he did not solicit men to go; that he took such only as pleased to go; that he did not expect more than three hundred men would go with him. He stated, also, that he was engaging provisions for this same expedition."¹

All secrecy had been cast aside—no effort was made to conceal the object for which the boats were being built, and for which provisions were being collected. They were for an expedition to the Washita lands; but under this was another design, Blennerhassett specially mentioning to Graham the possibility of fighting the Spaniards, while "an association in New Orleans for the invasion of Mexico," was referred to in a "very impressive manner." Graham says he told Blennerhassett that he thought the expedition meant to attack either the territories of the United States or those of Spain, and that in either case the Government would have to interfere. The agent visited General Neville and was told of Burr's interview with the Morgans; he conferred also with the Hendersons, Blennerhassett's enemies; and the next step was to excite Governor Tiffin, who knew little or nothing of Burr and his partisans. The Governor was aroused, however, and promised to

¹*Annals of Congress, 1807-08, p. 486.*

mention the matter the next Monday in his message to the Legislature.

November 28th, after his interview with Tiffin in Chillicothe, then the capital of Ohio, Graham wrote Madison a letter breathing a tranquillity unexpected at a season when the Proclamation had been four and twenty hours before the world: "At this place they seem to know nothing of the plans of Colonel Burr, and I am rather induced to think that he has no one at work for him here—if he has, they have made very little progress, for all is quiet." The reports from Kentucky of Burr's trial, commented Graham, had had a very different effect from what was anticipated. Burr's voluntary appearance in court had spread belief in his innocence. However, should he pursue his designs "he will yet find the same real difficulties to encounter, for the great body of the people are decidedly adverse to any plan which would disturb the peace or break in upon the unity of the nation."¹

December 2d Burr's case came up before the Frankfort court, and Tiffin's message was read to the Ohio Legislature. He said to the representatives that an expedition inimical to the interests of the United States was about to be set on foot; that a flotilla was being prepared; that young men were being inveigled into joining by promises of pay and rations from the time of their engagement, and by the assurance of future fortunes. They were to capture New Orleans and its dependencies; possess themselves of the money in the banks and treasury (which amounted to \$2,000,000); erect a

¹Graham to Madison, November 28, 1806; Letters in Relation.

government independent of the United States under a foreign power, and force the West to secede. He had been informed that two boats loaded with artillery, muskets and bayonets had passed down the Ohio and that there were men on board who spoke French; but for want of legal authority they could not be arrested. Then he put the question: Shall the conspirators on the Muskingum be allowed to escape?¹

The Legislature did not immediately respond to Tiffin's appeal. Only on the sixth was the requisite bill enacted into a law. It was entitled: "An Act to Prevent certain Acts hostile to the Peace and Tranquillity of the United States within the Jurisdiction of the State of Ohio." The Governor forthwith sent an express to Judge Meigs and Major-General Buell at Marietta with orders to arrest the flotilla and to gather proof of the guilt of the parties concerned in the enterprise. Orders were sent also to Generals Gano and Finlay at Cincinnati to plant one or more pieces of artillery on the bank of the Ohio; to keep patrols along the river, and to call out three hundred men to overcome Blennerhassett and Tyler. No boat was to be suffered to pass unexamined. Meigs and Buell on the ninth set about the execution of their orders. They proceeded up the Muskingum, seized two hundred barrels of provisions and took charge of fifteen bateaux, four of which were on the stocks.² No arrests of individuals were made, though Tiffin's orders were other-

¹*Orleans Gazette*, February 13, 1807.

²J. Meigs, Letter, December 17, 1806; *Orleans Gazette*, February 10, 1807. Adams (iii., 286) says the boats had been taken to Blennerhassett's Island.

wise carried out with some degree of energy. After all, the seizure of the Muskingum flotilla was a matter of small moment to the adventurers. Had the boats escaped there were not even crews for them, much less companies of determined traitors. Those at a distance, however, saw in this capture the destruction of the weapons of the conspirators. Jefferson looked upon the affair philosophically:

"That our fellow citizens of the West," he repeated confidently to Tiffin,¹ "would need only to be informed of criminal machinations against the public safety, to crush them at once, I never entertained a doubt. I have seen with the greatest satisfaction that among those who have distinguished themselves by their fidelity to their country, on the occasion of the enterprise of Mr. Burr, yourself, and the legislature of Ohio, have been the most eminent."

December 9th marked the beginning of Blennerhassett's misfortunes—his boats on the Muskingum, which were to have been delivered that day, were seized; while from either side of the river he was menaced by the militia. Already Comfort Tyler of New York had reached the island with four boats and twenty men whom he denominated "settlers." November 14th he had written Blennerhassett from Pittsburg:²

"My calculations have at all times been to leave Beaver on the first of next month. The only difficulty that I have encountered is, the procuring the provisions necessary for my settlers, some of whom are behind, and I fear they will not arrive in time; but I shall be off with the few that may happen to be with me, and trust to those behind to follow on."

¹Jefferson to Tiffin, February 2, 1807; Jefferson MSS.

²*Blennerhassett Papers*, p. 160.

The tenth of December brought matters on the island to a crisis. The Virginia militia announced that on the morrow would come the fathoming of the island secret. Blennerhassett and Tyler were not unadvised of these plans, and as their arrangements for departure were almost completed, they decided that they should start forthwith on their perilous but inviting voyage. The early part of the evening was spent in making final preparations; by midnight everything was ready, and the lanterns which had flashed to and from the shore were extinguished, and the rapid current of the Ohio bore away the adventurers.

The following day Colonel Phelps with a body of militia took possession of the island, only to find it deserted. Leaving behind the bulk of his force he set out overland for the mouth of the Great Kanawha to intercept the flotilla. But while on watch the sentinels, "pouring spirits down to keep spirits up," as one wrote, fell asleep and the boats passed unnoticed. Meantime the mob of militia left on the island had captured a flatboat with fourteen boys aboard, all from Pittsburg and intending to join Burr. Besides this exploit the men raided the wine cellar, pulled down fences to keep the fires going, and destroyed much that had made the island a thing of beauty. Then they proceeded to try the youthful Burrrites before Justices Wolf and Kenchloe for alleged crimes against the State, but the manner in which the trial was conducted made a farce of the law.¹ The prisoners were speedily acquitted, and, taking Mrs. Blennerhassett and her

¹Neville's Letter, December 21, 1806; Letters in Relation.

family with them, pushed off once more to land a month later at Bayou Pierre.

Already the news of the Proclamation was spreading in an ever-widening circle, sweeping away the last doubt in the minds of the uninitiated as to the nature of the expedition. Its effect on society at large was tremendous—it was proof positive of daring, sinister conspiracy, just as Wilkinson's letters had been to the Occupant of the White House. Jefferson had been grossly deceived and had in turn grossly deceived the masses. Not the least fatal in that long chain of circumstances was the escape of the Ohio flotilla on the eve of the appearance of the Proclamation—the Westerners jumped to conclusions they would not otherwise have reached, and the cumulative force of the agitations could find relief only in panic. Twice the town of Cincinnati was tumultuous with fear. The editor of the *Liberty Hall*, a local newspaper, recounted that the report became current late one afternoon that three of Burr's armed boats were anchored near the city, which was soon to be attacked. At nightfall some sport-loving wag fired a bomb and the inhabitants instantly concluded that the heralded assault had begun. The officials put their wits together; the militia was called out; the citizens organized for defense; and a neighboring town was invited to lend assistance in this dire extremity. At last, late the following day, some one ventured near enough the vessels to learn that they belonged to a Louisville merchant and were loaded with dry goods. The editor naïvely suggested that they had made themselves ridiculous. He ventured the opinion

that Burr was playing the part of a land jobber on the Washita in conjunction with Judge Lynch, and that his project was greatly exaggerated. The *Western Spy* declared that Blennerhassett had passed Cincinnati with four keel boats loaded with "military stores"; that many boats were being built; that the Spanish settlements in Mexico were to be attacked; and that 20,000 men were engaged in the enterprise.¹ As a further illustration of the nervousness of society the following paragraph is in point:²—

"It has been for some time reported and believed at Louisville that Colonel Burr was building gunboats and ships of war at Marietta and Wheeling; at those places it is understood that he is making great naval equipments at Louisville and Limestone; and some have believed that vast military preparations were making at all those places."

Ignorance of the actual state of affairs was therefore at the bottom of the increasing excitement. The newspapers ran riot, reporting with embellishments every story of the hour—nothing was too wild or absurd for belief.³

Amid this whirl of excitement Graham left Ohio for Frankfort on his errand of inquiry. So slow was his progress, however, the holly was displayed and the festivities of Christmas were being celebrated when he came before the Legislature of Kentucky with his tale

¹*Western Spy*, December 23, 1806; *Palladium*, January 8, 1807.

²*Palladium*, December 11, 1806.

³For a curious medley of stories, see: *National Intelligencer*, November 7, 1806; *Salem Gazette*, December 12, 1806; *Palladium*, December 18, 1806; *Salem Gazette*, January 13, 1807; *Palladium*, January 15, 1807; etc.

from Ohio. Several days the representatives sat behind closed doors, emerging with a law entitled, "An Act to Prevent Unlawful and Warlike Enterprises." Orders were dispatched to various places on the Ohio to stop the passage of all boats, and the militia was sent to enforce the decrees of the State. It is worth while noting that in the nine clauses of the Act the name of Burr does not appear, but the denunciation of unlawful expeditions was unqualified. The penalty for the infraction of the statute was a fine of two thousand dollars and one year's imprisonment.¹ Three weeks earlier, during Burr's second trial at Frankfort, this same Legislature had passed a series of resolutions, lest the world, as they expressed it, should misapprehend their attitude towards the Union:²—

"Be it resolved: That the people of Kentucky feel the strongest attachment for the Federal Government, and consider a dismemberment of the Union as the greatest evil which could befall them. . . . And that the people of Kentucky have entire confidence in the present Administration of the general Government."

From every quarter in the West came simultaneously avowals of loyalty to the Government and defiance to traitors. While the lawmakers of Kentucky were placing themselves on record, Claiborne was warning the inhabitants of Louisiana against the treasonable expedition of Burr. December 16th, ignorant of the happenings along the Ohio and of the Proclamation, solely through Wilkinson's influence, Claiborne promulgated his denunciation against the "traitorous pro-

¹*Palladium*, January 1, 1807.

²*Palladium*, December 18, 1806.

ject to subvert the authority of the Government over a portion of the territory thereof and to invade the dominions of the King of Spain, a prince in amity with the United States.”¹ A week later, December 23d—Burr was still in Tennessee—Meade issued a proclamation similar to Claiborne’s in tone and wording. Meade relied much upon Claiborne and had a month earlier written him, “We are here in constant watch and ready to march at the first call of our country. . . . The body of the Territory is honest, brave, and ready to hazard their lives and fortunes in their country’s cause.”² The Legislature, before it was adjourned in anticipation of a conflict with Burr, passed the following resolution:—

“That they are attached in the highest degree to the Constitution of the United States, and have the utmost confidence in the wisdom and virtue of the Chief Magistrate; and that every project of the ambitious and enterprising to dissever the Union and to usurp the prerogative of Government, will excite their honest indignation.”³

In Tennessee, the Sons of the Revolution, many of them officers, addressed General Jackson offering to take up arms in defense of the Union;⁴ while the governor of the State said in a letter to a member of Congress, “You may rest assured nothing is to be apprehended from any misconduct in the people of Tennessee. No doubt some malcontents are among us;

¹*Orleans Gazette*, February 13, 1807.

²Meade to Claiborne, November 23, 1806; MSS. Governor Claiborne’s Correspondence Orleans Territory, vol. v., State Department Archives.

³*Annals of Congress*, Second Session, 1806-07, p. 78.

⁴*Orleans Gazette*, February 6, 1807.

but their party is too insignificant to disturb the public tranquillity.”

After Burr's second vindication at Frankfort he returned to Lexington where he met General Adair; and together they rode to Nashville. December 14th they entered the capital of Tennessee, while Blennerhassett was floating down the Ohio, and Wilkinson was making his military seizures in New Orleans. At Nashville Adair and Burr parted company, the former starting overland for New Orleans through the Indian country, the latter going to Andrew Jackson's.¹

The connection between Burr and Jackson is of more than passing interest, not only because of the prominence and marked individuality of the two characters, but also for the light it throws on the nature of the conspiracy. Burr spent at this time—when Wilkinson had been terrorizing New Orleans three weeks, while the Proclamation for a similar period had condemned the expedition—eight days in and near Nashville, chiefly with Jackson. This fact evoked serious criticism of the latter's conduct; one of the most potent arguments urged against him in his Presidential canvass was that he had given comfort to Burr the traitor. In many quarters the episode was reviewed with virulence, the party in power making the most extreme accusations. One of Jackson's correspondents, I. S. Barbour, writing from Culpeper, October 4, 1828, related that “The hirelings of power have redoubled their exertions among us within the last fortnight and the

¹Correspondence from Nashville, December 20; *National Intelligencer*, January 23, 1807.

'Burr charge' was pressed with greater earnestness and malignity."¹ It was emphasized that Jackson sent November 12, 1806, a denunciation of Burr to Claiborne, and that a month later he was entertaining at his home the chief of the conspirators. It is noticeable that those writers who have satisfied themselves that this letter incriminates Jackson, publishes him to the world as deep in the conspiracy, never quote the concluding lines of that much distorted communication: "I love my country and Government—I hate the Dons—I would delight to see Mexico reduced; but I will die in the last ditch before I would yield a foot to the Dons or see the Union disunited." As a common-sense proposition how could Jackson have betrayed a plot in which he was himself vitally implicated? Jackson averred that he merely reported rumor: a certain Captain —, passing a day and a night with him, had told of the designs of the adventurers, how they plotted to divide the Union by seizing New Orleans, to conquer Mexico, and with the aid of the Federal troops under Wilkinson to effect the separation of the Western States. His suspicions were aroused, he said, and a few days later he warned Governors Smith and Claiborne.² The truth is it was Wilkinson's connection with the affair which alarmed the Tennessean.

Although Jackson had said to Claiborne in his letter of November 12th, "This I write for your own eye," the Governor immediately sent a copy of it to Jefferson. Moreover, Wilkinson had the original for a time in his

¹I. S. Barbour to Jackson, October 4, 1828; Jackson MSS.

²Jackson to Campbell; Parton's *Jackson*, i., 332.

possession and made, without Claiborne's knowledge, a copy of it which he used extensively. Jackson justly complained to Claiborne the next year of the publicity which had been given his private correspondence, asking at the same time for a copy of the letter. He did not conceal his opinion of Wilkinson's double dealing, and expressed the wish that the conspiracy should be thoroughly developed. Claiborne, however, was still impressed with the righteousness of the General, for in his reply dated December 5, 1807, he said, "I am free to declare that my *impressions are greatly in his* [Wilkinson's] *favor.*" His excuse for the publication of Jackson's letter read as follows:

"I am persuaded you will not suppose that I did, either unnecessarily or improperly, expose the contents of your communication. It reached me at an interesting crisis, and was only resorted to with a view to serve our country and Government, to which I always believed you to be ardently attached."¹

Jackson's every act was one of loyalty. Although he was engaged in preparing boats for Burr, the persistent rumors concerning the nature of the expedition led him early in December to wonder whether he had been deceived.² Burr should at least reassure him. Says Davis, "General Jackson addressed a letter to Colonel Burr in which he alluded to rumors that were afloat of his having hostile designs against the United States, adding that if this were true he would hold no communication on the subject; but, if untrue and his

¹Claiborne to Jackson, December 3, 1807; Jackson MSS.

²Daniel Smith to Jackson, January 3, 1807; Jackson MSS.

intentions were to proceed to Mexico, he would join and accompany him with his whole division."¹ To this Burr replied, that he had no design whatever "inimical or hostile to the United States, and whenever he was charged with the intention of separating the Union the idea of insanity must be ascribed to him."²

Of the five boats to have been built at Clover Bottom on the Cumberland, two only were ready. Patton Anderson, Jackson's intimate friend, had raised a full company to go with Burr to the war, but the war was still in the future—the news of Wilkinson's peace with the Spaniards had spread by this time to the seaboard—besides, reports were in circulation derogatory to the character of the enterprise which effectually dampened the ardor even of the adventurers. December 20th, Burr sent a note to Blennerhassett, saying that he had experienced distressing delays, but that he would be at the mouth of the Cumberland Sunday the twenty-third inst.³ Burr had been in no wise molested, and calculated the time of his departure to a day, which does not accord with the usual tale that he fled so precipitately he took but two boats with him.⁴ December 22d, having received back from Jackson one thousand seven hundred and twenty-five dollars for the unfinished boats, Burr embarked a number of horses in one of his vessels, a few men, whom he admitted to have hired, in the other, and floated down the Cumber-

¹*Memoirs of Aaron Burr*, ii., 382.

²Parton's *Jackson*, i., 333.

³Burr to Blennerhassett, December 20, 1806; *Blennerhassett Papers*, p. 185.

⁴Adams (iii., 289) and McMaster (iii., 72) state the case in an exaggerated way.

land to its mouth, where Blennerhassett, Davis Floyd, and the rest of the company awaited him.¹ Burr could now have had no other purpose in view than to begin the settlement of his Washita lands—there was no other alternative. The idea which has prevailed that up to the moment of being confronted by the militia at Bayou Pierre he calculated on the coöperation of Wilkinson in an assault on New Orleans is as absurd as it would be to assert that the news of the peace with the Spaniards had required more than two months for its dissemination in the West. Nor more could he have dreamed of advancing his interests by force—that he could not command, had he been so disposed.

Blennerhassett, Tyler, and Smith, with their four boats, after the escape from Wood County the night of December 10-11, had met with no further obstructions.² At the falls of the Ohio, six days removed from the island, they were joined by Davis Floyd of Indiana with three boats and thirty men. When Burr had come the formidable squadron, laden with horses, agricultural implements, provisions, and personal arms, was in complete array. There were in all nine bateaux and less than sixty men. An inconsiderable fleet; nevertheless its strength seems to have been greater than Burr anticipated, for he wrote at once to Lynch to send an increased supply of corn and additional farming implements.³ Christmas Day he sent a note to the commander of Fort Massac, notifying him of his

¹*Orleans Gazette*, January 16, 1807; *National Intelligencer*, January 23, 1807.

²*Blennerhassett Papers*, p. 184.

³*Annals of Congress*, 1807-08, p. 658.

coming, which seems a foolish proceeding in one fleeing, as we have been often told, the clutches of the law.

“I avail myself of the opportunity of Mr. Hopkins,” Burr said, “to offer you salutations and the compliments of the season. Having proposed to descend the river in a few days, I shall have the pleasure of paying my respects to you on the way, and of receiving your commands for the South.”

The twenty-eighth of December the fleet moved down the Ohio, and the night of the twenty-ninth anchored a mile below Massac. Bissell rowed to the camp the day after the arrival of the adventurers to return the greetings of the ex-Vice-President and to invite him to dine at the fort. But his civilities were declined. It was here, too, that Jacob Dunbaugh, who afterwards figured in the trial, joined the expedition. Having personally applied for a twenty-day furlough, his wish was granted; but Dunbaugh in the excitement at the collapse of the association failed to keep his engagement and was advertised as a deserter. He took refuge at Baton Rouge, whence Wilkinson coaxed him with a pardon to prime him as a leading State witness. His writings, leaving out of account his testimony at Richmond, show him to have been a despicable character. The following letter to Captain Bissell settles for all time his credibility:¹

“With sorrow I take Pen in hand to inform you,” he said briefly and bluntly, “that I had to tell the officers that you sent me as a Spy against Colonel Burr and had to make outt what I new againg him[.] I wrote that you

¹Letters in Relation.

sent me on that Purpes[.] [They] the thought My Captain [Bissell] was interested[.] I told them that he did not know what Burr's mening was to take some men down the River with him. . . . I should be thankful if my Captain would send some money if their is any for me and my Boots if my detes air paid."

Meantime Graham had reached Nashville, having left Frankfort December 23d. Whether he brought the Proclamation with him, or whether it had already arrived, cannot be ascertained. Certain it is that it came after the departure of Burr; it was not until January 1st that Jackson received his special orders from the Secretary of War. Dearborn, under the stimulus of popular rumor, hinted to Jackson that, knowing the secrets of the conspirators, he could strike a blow to good advantage. The Tennessean was incensed, and, although he set about his duty manfully, he took occasion to say to Dearborn what came into his mind. One phrase is particularly characteristic and forcibly expresses Jackson's interpretation of the general tenor of the order—he was expected to play the part of the "smiling assassin." He deeply resented the insinuation that he was himself a conspirator. Congressman Campbell, Jackson's friend, paid several visits to Jefferson and Dearborn in the interest of peace. The latter avowed that no offense had been intended in the order; that, on the contrary, because of reliance in him he had been given the utmost freedom of action; and Jefferson, to quote Campbell's language to Jackson, declared "his unshaken and unlimited confidence in your integrity."¹

Jackson, upon the receipt of the order of January

¹G. W. Campbell to Jackson, February 6, 1807; Jackson MSS.

1st, ordered the mobilization of the militia; and twelve companies of volunteers were to march on the fifth under the command of Brigadier-General James Winchester. Secret messengers were sent to the mouth of the Cumberland and to Fort Massac. Jackson wrote January 2d to Captain Bissell, that he had heard that a number of boats had assembled at the mouth of the Cumberland, that they were loaded with arms and ammunition, and that the expedition was hostile to the United States. Bissell was accordingly instructed to capture all parties engaged in such an enterprise, and to report what information he had concerning the number of men, their equipment, and rendezvous.

January 4th, John Murrell delivered the dispatch to Bissell, who replied that he had received neither the President's Proclamation, nor the orders from the War Department; and then continued: "There has not to my knowledge been any assembling of men or boats at this or any other place unauthorized by law or precedence." For two weeks he had made it a point to examine the cargo of all vessels descending the river, but as yet nothing alarming had been seen. He concluded by saying that on or about the thirty-first ultimo Colonel Burr, late Vice-President, "passed this way with about ten boats of different descriptions, navigated with about six men each, having nothing on board that would even suffer a conjecture more than that he was a man bound to market. He has descended the river towards Orleans." ¹

When Murrell had returned with this news Jackson

¹*Palladium*, February 5, 1807; Parton's *Jackson*, i., 323.

disbanded the militia. "This express returned the eighth instant," he said in an official account, "whose report, together with information given by Captain Bissell, gave me pleasing news—that nothing in that quarter was alarming. Under all these circumstances, added to the limited point of view in which the orders given me must be interpreted, I have deemed proper to dismiss the corps under my command."¹

Thus the volunteers returned home a few days before Burr's flotilla pushed into Bayou Pierre. With Burr had gone Stokely Hays, Mrs. Jackson's nephew. He bore a letter of introduction from Jackson to Claiborne, and was instructed to abandon Burr if he discovered any thing in his conduct threatening to the United States.² In Jackson's mind, however, there was no question as to the aim of the associates. January 15, 1807, he spoke out plainly in a confidential epistle to one of his most intimate friends:³ —

"The late denunciation of Aaron Burr as a traitor has excited great surprise and general indignation against Burr. Still, from the opinion possessed of the accuser (Wilkinson) many there are who wait for the proof before they will pronounce him guilty of the charge. . . . [Then he referred to the rumor that he was on full march with Burr.] Should you ever hear that I am embarked in a cause inimical to my country, believe it not; . . . or that I would not put any man out of existence that would name such a thing to me, without on the ground of discovering it to the proper authority, believe them not. And if Burr had any treasonable intentions in view, he is the basest of all human beings. I will tell you why. He

¹*Orleans Gazette*, February 10, 1807.

²Parton's *Jackson*, i., 321.

³Parton's *Jackson*, i., 330.

always held out the idea of settling Washita, unless a war with Spain; in that event he held out the idea that from his intimacy with the Secretary of War, he would obtain an appointment; and if he did he would revolutionize Mexico. . . . If he is a traitor, he is the basest that ever did commit treason, and being tore to pieces and scattered to the four winds of heaven would be too good for him."

The vehemence of the language corresponded with the ingenuousness and impetuosity of Jackson's nature. At the moment he wrote, the end of the expedition was unknown; but if he ever hesitated in his judgment of Burr, the verdict was not long in suspense. He was summoned to Richmond as a State witness, but the attitude he assumed convinced the prosecution that the less they had of him the better would fare their case; so he was never put on the stand. He wrote from Richmond before the trial was well begun, "I am more convinced than ever that treason was never intended by Burr; but if it was, you know my wishes—that he may be hung. I am still more convinced that whatever may have been the project of Burr, James Wilkinson has gone hand and hand with him."¹ Jackson never did things by halves; through his long career in State and nation he never struck a compromise. Iron-handed, inflexible, honest, Andrew Jackson, the hero of the battle of New Orleans and queller of Nullification, was not one to stoop to a madman's plot for a division of the States.

The last day of 1806 the flotilla emerged upon the broad waters of the Mississippi. New Year's day a stop

¹Parton's *Jackson*, i., 335.

was made at New Madrid, opposite the mouth of the Ohio; and three days later they hauled in at Chickasaw Bluffs, now called Memphis. Lieutenant Jacob Jackson commanded the fort, and was as ignorant as Bissell at Massac of the ban which had gone forth against the filibusters. The lieutenant was indeed ready to join them on the avowal that they were bound for Mexico, and accepted money from Burr to enable him to raise a company in his service.¹ The sixth of January the fleet of flatboats moved on, and four days later they halted in Mississippi Territory, where the excitement was intense. The proclamations of Claiborne and Meade had roused the whole country against Burr, who, upon landing, issued a public letter asserting the innocence of his views:²—

“If the alarm which has been excited should not be appeased by this declaration,” ran the manifesto, “I invite my fellow citizens to visit me at this place, and to receive from me in person, such further explanations as may be necessary to their satisfaction, presuming that when my views are understood, they will receive the countenance of all good men.”

Burr also declared to Meade, who wrote January 13, 1807, to Dearborn,³ that his designs were in no way hostile to the laws or government of the United States; that rumors against his patriotism were false; that he was bound for the Washita lands, and that his bateaux were mere vehicles for emigration, hinting that any attempt to molest them might be resisted. Comfort

¹*Annals of Congress*, 1807-08, p. 683.

²Parton's *Burr*, i., 88.

³Meade to Dearborn, January 13, 1807; *National Intelligencer*, February 11, 1807.

Tyler gave a brief account of the voyage and the reception tendered them :¹—

“At the mouth of the Cumberland I met Colonel Burr, expecting to proceed on with him to our intended settlement, but to my chagrin, the approach of Colonel Burr [produced] the most terrible confusion and alarm—hundreds under arms have turned out to meet him, and about fifty unarmed, defenceless, and peaceable fellow citizens, of whom I have the misfortune to be one. Conscious of the purity of my intentions, [I] hope the suspicions will not rest on me or my friends.”

This general recourse to arms spread also to West Florida. December 21st, when the danger appeared imminent, Grand Pré called together the civil and military officers, explaining the serious complications which were likely to arise as the neighboring States were reported to be in arms against Louisiana and the dominions of his Majesty. He urged the organization of the militia and other precautions.² Governor Folch marched from Pensacola with three hundred soldiers for Baton Rouge, which he reached, having been refused by Claiborne passage across the Territory of Orleans, only at the moment Burr halted at Bayou Pierre. February 15th, Folch related some of the events which had transpired :³—

“The conspiracy, having its origin in the States of Kentucky, Tennessee, and Cumberland, with Colonel Aaron Burr, ex-Vice-President of the United States, at its head, has been an active force since the middle of last November. In order better to watch it I moved to Mobile.

¹Letters in Relation.

²*Orleans Gazette*, January 9, 1807.

³Folch to Iturrigaray, February 15, 1807; MSS. Mexican Archives.

Shortly after my arrival, I learned the plot of the incendiaries. . . . After knowing the chief object, I could not understand the means for its achievement, without which knowledge I could not take my measures to secure the possessions of the King. December 1st, however, I learned that Burr had selected the mouth of the Cumberland as the point for the reunion of his forces, . . . that Baton Rouge was the first point proposed for attack. I therefore withdrew three hundred men from the garrisons of Pensacola and Mobile for its defense."

It is most significant that as early as October 1st, while Burr was still busy with preliminaries and before Wilkinson, according to his story, knew of the plot, this Spaniard should have reported it hostile to his country, and that so late as February 15, 1807, he had not modified his opinion.

Meanwhile, on the Coffee House book in New Orleans, which contained many entries of note, was written January 21st: "General Wilkinson received an express last night by which he was positively informed that Colonel Burr was at Bayou Pierre." It was also rumored that Colonel Claiborne and Captain Scott, with three hundred militia, had gone in pursuit of him. Reports were conflicting. "Those at the head of affairs (we hope from motives of public safety) maintain the most profound silence,"¹ said the *Gazette*. Claiborne and Wilkinson at once addressed a joint letter to the governor of Mississippi:²—

"Understanding that Aaron Burr has taken post within the territory over which you preside, we cannot but express our solicitude, lest his *pretensions* to innocence, and

¹*Orleans Gazette*, January 23, 1807.

²Gayarré, iv., 177.

the arts which he may employ to delude and seduce our fellow citizens from their duty to their country, may be partially successful. We rely with confidence on your exertions to seize the arch-conspirator, and having done so, permit us to suggest for your consideration the expediency of placing him without delay on board one of our armed vessels in the river, with an order to the officers to descend with him to this city. Otherwise, if his followers are numerous, as they are represented to be, it is probable it may not be in your power to bring him to trial. We take this occasion to advise you confidentially to keep a strict eye upon the Spaniards. Governor Folch is to proceed to Baton Rouge with four hundred men."

This advice was as unnecessary as it was a palpable attempt to keep up a show of uneasiness; Meade had already acted with promptitude and energy. December 20th he had prorogued the Legislature; the twenty-third appeared his warning against the conspiracy "directed by men of profound intrigue for the aggrandizement of themselves and their minions, to the oppression of the great mass of the people, whom they are endeavoring to dupe and inveigle." Christmas Day W. B. Shields, aide-de-camp to the Governor, issued a general call for mustering the First, Second, Fourth, and Fifth regiments of militia. The Second and Fourth regiments quickly responded to the orders of their regimental and company officers, and were ready to march at the moment of Burr's landing at Bayou Pierre. Despite the fact that Burr had promptly written Meade avowing his "innocence of the charges which rumor and public apprehension had announced against him," and soliciting his aid in appeasing the fears the approach of the expedition had begotten,¹ the Governor set the machin-

¹Meade to Jefferson; Jefferson MSS.

ery in motion which was at last to put an end to the mysterious business.

Tradition has it that only now Burr learned of his betrayal—read in a newspaper at Judge Bruin's his letter of July 29th!¹ But tradition is wrong. Burr knew that Wilkinson had made an agreement with the Spaniards; and knew prior to leaving Tennessee that he had occupied New Orleans. Captain Daniel Bissell testified that Burr related to him at Fort Massac "that General Wilkinson had made a compromise with the Spaniards. Burr said he was very sorry for it, and that General Wilkinson ought to have fought them."² Clearly Burr was unfamiliar with the details of the Sabine campaign, but he knew one thing beyond doubt, whatever his relations had been with Wilkinson, that no further coöperation was to be expected—his silence had been too profound. He was of course ignorant of the General's denunciations; of the state of mind of the inhabitants in the lower country; but it is folly to assert that he continued his voyage in the belief that Wilkinson was only awaiting his coming to precipitate the revolution.

As soon as it was possible, a detachment of militia three hundred and seventy-five strong was sent up the river from Natchez and posted at the mouth of Cole's Creek to prevent the egress of Burr's flotilla. Meade and his staff marched up the river by land, and on the sixteenth Poindexter, the United States attorney for

¹Adams (iii., 325) relates this story, which has become classic. He adds: "From the moment Burr saw himself denounced by Wilkinson, his only hope was to escape."

²*Annals of Congress, 1807-08, p. 637.*

Mississippi, and Shields, the Governor's aide, were sent to visit Burr. They were cordially received. Major Shields presented a letter from the Governor, in which he attributed to Burr hostile intentions against the territory of the United States. Burr ridiculed the idea, saying that he would have gone to Natchez to see the Governor had it not been for reports abroad and his fear of assassination. He pointed to his boats, and asked if there was anything warlike in their appearance. When told that the militia of the territory had orders to stop him, he replied that he was willing to submit to the civil authorities. An interview with Governor Meade was arranged for the next day, and the following guarantee was signed by Burr, Shields, and Poin-dexter :¹—

“The Hon. Cowles Meade, acting Governor of the Mississippi Territory, with a view to restore public tranquillity, proposes to Aaron Burr as follows : That an interview shall take place between them at the house of Thomas Calvit, on Cole's Creek, at two o'clock to-morrow. The said Cowles Meade pledges himself to protect the said Aaron Burr during his stay in the Territory, and that he shall be returned to his present position in a suitable manner as soon after the interview as he may please—but in the meantime there shall be no restraint on his person, no violence or molestation to his boats or people, and that the militia of the district shall not, until the return of the said Aaron Burr, approach nearer his present quarters than the mouth of Cole's Creek. Aaron Burr on his part engages that in the meantime no violence or injury shall be offered by any of his people to the inhabitants of the Mississippi Territory, that they shall keep the peace, and not infringe any law of the United States or either of the Territories.”

¹*Orleans Gazette*, January 30, 1807.

Early next morning Colonel Burr was rowed down from his camp. He alighted and was escorted by a company of dragoons to Thomas Calvit's place,¹ whither Meade had come the previous evening. The interview was uneventful and resulted—

“in a voluntary submission on the part of Colonel Burr to the civil authorities of the Territory, and also in a surrender of whatever military apparatus might be found on board the boats under his direction; a committee was immediately appointed to make the necessary examination, and report forthwith to the Governor the number and description of such military stores as they might discover on board said boats.”²

The ensuing day, leaving behind his associates, who were shortly to move down the river to a point near Natchez, Burr rode with Shields and Poindexter to the town of Washington, the capital of the Territory, where he came before Judge Rodney, who bound him over in the sum of \$5,000 to await the action of the grand jury. Colonel Benijah Osmun and Lyman Harding acted as sureties. At the same time Colonel Fitzpatrick, with three officers and a squad of men, was vainly searching the boats for accoutrements, munitions and arms of war. Meade thus summarized the situation to the Government:

“Then, Sir, this mighty alarm, with all its exaggerations, has eventuated in nine boats and one hundred men, and the major part of these are boys, or young men just from school. Many of their depositions have been taken before Judge Rodney, but they bespeak ignorance of the

¹*Orleans Gazette*, January 27, 1807; Claiborne's *Mississippi*, p. 270.

²*Orleans Gazette*, January 30, 1807.

views or designs of the colonel. I believe them really ignorant and deluded. I believe that they are really the dupes of stratagem, if the asseverations of Generals Eaton and Wilkinson are to be accredited."

Meade was looking squarely at the question from a vantage point not to be gainsaid. Here at the collapse, with Burr a civil prisoner, his followers disheartened and dispersed, to confess that no man could be found to give warrant to their fears was, in very truth, most lamentable. In any case could the adventurers have been "dupes of stratagem?" Had three score of men united with no purpose in view? If treasonable, when pardons and even rewards were freely offered those who knew of the plot and who were confessed to have held in abhorrence the name of traitor, is it not reasonable to suppose that some could have been found to fix the crime indelibly? Wilkinson plied his energies in such a quest, but James Knox, Lindsey, and Dunbaugh were the best he could get, while only the last, simple-minded and ignorant, advertised as a deserter and fearful of the penalties, became a willing tool.

January 30th, Graham, the plodding, nerveless agent of the Government, reached the town of Washington, lying amid the rolling hills six miles east of Natchez. He called on Burr hoping to elicit some statement, only to be assured, as Graham wrote Madison, that no word of his would avail anything since he was accused before the court. He avowed, however, that all his troubles had been caused by the machinations of his enemies, and that their assertions were not supported by facts.¹ At Richmond, Graham, who,

¹Graham to Madison, February 8, 1807; Letters in Relation.

because of his services, had been appointed to the chief clerkship in the State Department, related that Burr at this meeting "seemed disposed to ridicule the idea of his bringing about a separation of the Union by physical force; that it was to be produced by moral not physical causes." He also spoke "of the Washita settlement. I believe he told me," continued Graham,¹ "that he should send his people there, but did not know whether he should venture into the territory himself; intimating, as I thought, an apprehension of General Wilkinson."

Such was the inglorious end of the expedition. Burr's followers still clung tenaciously to the boats and made friends, while awaiting the return of their leader in whom they never lost confidence. That he would repudiate the gross charge of treason they never doubted; nor more doubted that they would yet be freed from their present predicament and eventually arrive at the goal of their ambition. They little knew what was in store for them.

¹*Annals of Congress, 1807-08, p. 489.*

CHAPTER X.

Burr's Trial in Mississippi.



FOR a fortnight after his surrender at Bayou Pierre, while awaiting trial, Aaron Burr made the most of his liberty. He had promised to remain in the Territory until everything was cleared up to the satisfaction of the most exacting. He would then remove to his lands. The excitement which had been occasioned by his arrival soon subsided and left the people his friends. Moreover, his cause was abetted by the accounts rendered by the associates, who unequivocally asserted the innocence of their designs toward the United States. Burr also talked eloquently of his wrongs, and won the sympathy of the community.

“He became the guest,” says Claiborne,¹ “of Colonel Benijah Osmun, a wealthy planter residing in the vicinity. He was a bachelor and had been an officer in the Jersey line, and intimate with Burr. He was a Federalist. Near by Colonel Osmun resided another military friend of similar political opinion, the veteran Major Isaac Guion, and with these two, and other influential gentlemen, he had daily consultations. No sterner and truer patriots lived than these two veteran soldiers, and they reposed unshaken faith in the friend whom they had seen so often tested in the ‘time that tried men’s souls.’”

Monday, February 2, 1807, with Judges Rodney and Bruin on the bench, an adjourned session of the

¹*Orleans Gazette*, February 6, 1807; Claiborne's *Mississippi*, p. 280.

supreme court of the Mississippi Territory was held in the town of Washington, before which Aaron Burr was recognized to appear to answer such bill of indictment as might then and there be exhibited against him. The accused was present and surrounded by a concourse of friends. As soon as the grand jury was impaneled Mr. Poindexter, the United States attorney, after an examination of the depositions submitted by the court, moved its discharge. He argued that he found no evidence which brought the offenses charged against Colonel Burr within the jurisdiction of the courts of Mississippi Territory; and furthermore, that the supreme court of the Territory was a court of appeal and not a court of original jurisdiction. It could, therefore, take no cognizance of the cause. The motion was overruled, however, and the grand jury began its work. The next day to the astonishment of the judges it filed in and made the following report:¹—

“The grand jury of the Mississippi Territory, on a due investigation of the evidence brought before them, are of the opinion that Aaron Burr has not been guilty of any crime or misdemeanor against the laws of the United States or of this Territory, or given any just occasion for alarm or inquietude to the good people of this Territory. The grand jury present as a grievance, the late military expedition unnecessarily as they conceive, fitted out against the person and property of said Aaron Burr, where no resistance has been made to the ordinary civil authorities. The grand jury also present as highly derogatory to the dignity of this Government, the armistice (so-called) concluded between the Secretary, acting as Governor, and the said Aaron Burr. The grand jury also

¹*Orleans Gazette*, February 20, 1807; Claiborne's *Mississippi*, p. 284. Harry Toulmin to P. P. Schuyler, February 7, 1807; Letters in Relation.

present as a grievance, destructive of personal liberty, the late military arrests made without warrant, and as they conceive, without other lawful authority: and they do seriously regret that so much cause should be given to the enemies of our glorious Constitution, to rejoice in such measures being adopted in a neighboring Territory, and if sanctioned by the Executive of our country, must sap the vitals of our political existence, and crumble this glorious fabric into the dust."

Historically considered, this return is a most uncompromising document. For months the Aaron Burr enterprise had been almost the sole topic of conversation; it had assumed various characters in the public mind, but chiefly through the agency of Wilkinson, Eaton, and Jefferson it had come to be condemned as most dangerous and treasonable. Such, indeed, it had been believed to be by the militia of Mississippi when they volunteered; and such it had been believed to be by the Legislature of the Territory when it declared its unfeigned allegiance to the Constitution. Two weeks intervened between Burr's surrender and the day set for his examination. This ought to have allowed time for the collection of all the evidence, and Judge Rodney, according to Meade, had taken many affidavits. How, then, account for the report? Adams attributes it to sympathy in Burr's designs,¹ and says that the very militia that stopped him was half inclined to join his expedition, and that a score of civil and military officials alone prevented Burr from reaching New Orleans! But in truth had they sympathized with him, knowing that he planned the extension of an empire over the West, is it to be supposed that a corporal's guard of

¹*History of the United States*, iii., 326.

patriots could have stayed the revolution? Contrariwise, was not their sympathy enlisted because they now knew him to be armed against the Spaniards? And could not the report of the grand jury have been additional proof of their loyalty? The contradiction lies not in the conduct of the people, but in the story which has been transmitted to us.

Wednesday afternoon, the fourth of February, the grand jury was dismissed, whereupon Burr demanded release from his recognizance. This Rodney refused to grant, and bound him over to appear from day to day, which was an unheard-of proceeding. Burr had given bond to await an investigation. No indictment had been found; therefore, from the nature of the case, his recognition was null and void. Already the rumor had spread that Governor Williams, who had returned at this juncture from a visit to North Carolina and had superseded Meade, intended to seize Burr the moment he was discharged by the judicial authority;¹ and the report was current that a military patrol was coming up from New Orleans with the same purpose in view.

It would be an interesting study to follow the devices adopted by Wilkinson in his endeavor to secure the chief figure in the closing act of this involved drama. Dr. Carmichael, Lieutenant Peter, Lieutenant Jones, and Captain Shaw of the navy, Colonel McKee, and three officers in disguise were sent at various times by the General to capture Burr and his lieutenants.² To Silas Dinsmore he said as early as December 4, 1806:

¹*Orleans Gazette*, February 20, 1807.

²*Annals of Congress*, 1807-08, pp. 492, 528, 643.

"To cut off the two principal leaders, would in my opinion be to discomfit the sinister design, and gain time for preparation to resist successfully the baneful plot. . . . If you fail your expenses will be paid. If you succeed I pledge the government to you for five thousand dollars."¹ In what way could Dinsmore have "cut off" the leaders? Clearly Wilkinson hoped for one of two things—resistance on the part of the associates, or the death of Burr. Had his men defied the troops, or had Burr been slain while resisting a military process, the charge of treason would have been stamped in blood and Wilkinson's cause sanctified. Burr was not ignorant of the schemes of the tyrant of New Orleans; he was convinced, too, that his personal safety depended on escaping the power of the General, who, it has been well said, might have brought him at once to a drum-head court-martial, and who had every motive to pursue such a course; who had indeed offered five thousand dollars for his life.

The matter was thoroughly canvassed with Osmun and other confidential friends, and under the circumstances it was decided that Burr should go into hiding for a time to await developments. On the sixth Governor Williams proclaimed that Aaron Burr, bound in the sum of five thousand dollars to appear before the supreme court of the Territory, had forfeited his bond and fled; and offered accordingly for his apprehension a reward of two thousand dollars.² Meantime Burr

¹Wilkinson to Dinsmore, December 4, 1806; Letters in Relation.

²*Orleans Gazette*, February 13, 1807; Burr to Williams, February 12, 1807; Letters in Relation.

had written the Governor saying that because of the "vindictive temper and unprincipled conduct of Judge Rodney he withdrew for the present from the public," but that he continued ready to submit to the civil law when he could be assured the rights of a citizen. On the twelfth, replying to the Governor's proclamation and offer of reward, Burr wrote from his hiding place to Williams that it was unworthy of him to lend his name to a falsehood, that the recognition he gave was to appear in case an indictment was found—not otherwise.

"The judicial form," he continued,¹ "was agreed to by Judge Rodney after nearly an hour's discussion between Bruin, Harding, and myself; drawn up at his request by Mr. Harding, and signed by the judge in our presence and that of Colonel Osmun, and will be found in the handwriting of Mr. Harding, so signed unless for fraudulent purposes the judge should have destroyed it. If he shall deny these facts, he must be lost to shame as to principle. If he shall admit them or they shall be otherwise established to your satisfaction, it is hoped that you will feel it to be your duty by a public manifesto to cancel your proclamation and to acknowledge the error on which it has been founded."

Williams replied, "I can only say that from the judicial proceedings in this Territory you cannot be considered in any other light than as a fugitive from the laws of your country."²

Burr now despaired of relief. Judge Rodney's illegal acts were reinforced by the Executive of the Terri-

¹*Liberty Hall*, April 21, 1807.

²Williams to Burr; Letters in Relation.

tory, while the ever-pressing danger at New Orleans urged a speedy escape from the country. Once more he visited the disheartened men who remained with the boats which were anchored a short distance above Natchez. In the words of a State witness:¹—

“He said that what property there was the men might sell, and make the most they could of; and if there was not enough to satisfy them, they might go to the Washita lands, and take up what land they wanted, and go to work upon it. The boats and provisions were taken to Natchez, and part of them sold, and part of the provisions stored which would not readily sell, and the money divided among the men.”

It was with a heavy heart that the sometime Vice-President of the United States confessed to his followers, “that he stood his trial and was acquitted; but that they were going to take him again, and that he was going to flee from oppression.”² It has been asserted over and over again that his flight was a proof of guilt. The answer is that Burr never attempted to avoid an investigation by the legal authorities. The excesses of Wilkinson had reached such appalling extremes, it is no wonder that Burr feared the rattle of military chains, or even death. His intimate friends, the men of wealth and influence of the countryside, were of the opinion that safety lay only in flight. So, mounted on Colonel Osmun's fleetest horse and accompanied by Chester Ashley he set out from his hiding place near the home of the Colonel who had so kindly befriended him. Tradition has it that he took leave last of Mada-

¹*Annals of Congress*, 1807-08, p. 478.

²*Ibid.*

line, who lived in a cottage nearby his retreat. During his short stay of three weeks in Mississippi he had become enamored of her, whom Claiborne pronounced "a miracle of beauty." Burr's passion was returned, and only from Paris did he write releasing her from a promise of marriage. Fiction one may say, but it is vouched for by the historian of Mississippi—and at least it may be admitted as an interlude in the desolate waste of blighted hopes which spread before him who had for four years been Vice-President of the Republic.

Disguised, Wilkinson tells us, in "an old blanket coat begirt with a leathern strap, to which a tin cup was suspended on the left and a scalping knife on the right," Burr disappeared. It is generally asserted that he meant to seek shelter within the Spanish lines; but such a course could have been chosen only in desperation—and that point Burr never reached in his long life of successes and failures. Wilkinson was of the opinion that "Burr's destination was France beyond all doubt."¹ In any case, certain it is he preferred any refuge to New Orleans; he knew that one who could act as Wilkinson had not yet exhausted his store of villainies. Whatever Burr's plans were the elements conspired to defeat him; the heavy winter rains had swollen the streams so that his course had to be changed. They were obliged late at night, the eighteenth day of February, to pass through the county seat of Washington County, where inquiries were made of one Nicholas Perkins as to the route to Colonel Hinson's. When the belated travelers had gone, Perkins, who had sus-

¹Wilkinson to Jefferson, March 20, 1807; *Letters in Relation*.

pected that one of the horsemen was Burr, reported the matter to Sheriff Brightwell. The two followed to Hinson's where suspicion became so strong that Perkins rode to Fort Stoddert to enlist Lieutenant Gaines in the pursuit. With four soldiers he joined the informer and they rode back the next morning to intercept the fugitives. At an early hour, within two or three miles of Hinson's they encountered Burr, Ashley and the sheriff. Gaines demanded in the name of the Government of the United States whether this were Colonel Burr. Burr readily admitted his identity, whereupon he was "arrested" and taken to Fort Stoddert,¹ where preparations were carefully made to convey him to Washington.

The presence of Burr in the fort gave its commander some uneasiness. In a letter to Wilkinson Gaines stated that Ashley had not been arrested, and that he feared he would return with a force to retake Burr.

"They will assuredly find the inhabitants," said Gaines,² "such as they could wish. Ashley has made a wonderful effect on many of them—the plans of Burr are now spoken of in terms of approbation, and Burr in terms of sympathy and regard. I am convinced if Burr had remained here a week longer the consequences would have been of the most serious nature. Burr frequently, when on the subject of the Spanish aggressions, observed: 'And yet my great offense and the only one laid to my charge was a design to give you the Floridas.'"

The residents along the Tombigbee harshly criti-

¹Nicholas Perkins to C. A. Rodney; manuscript statement of the exploit by Nicholas Perkins, in Tennessee Historical Society collection.

²Gaines to Wilkinson, March 4, 1807; Jefferson MSS.

cised Gaines for the manner in which he arrested Burr. The feelings of the community were expressed in a memorial to the Government, and the young lieutenant thought it advisable to deny to Jefferson that he had arrested Burr "militarily." He was inclined to shift the burden on Perkins,¹ who at that very moment was in Washington with \$3,331 in his pocket as a reward for bringing Burr safely to Richmond.

At Natchez the Burrites were received with unusual kindness—they were no longer suspected of being desperate characters, ripe for fratricidal strife. Says Claiborne, who was almost an eye witness:²—

"Most of his followers were young men, innocent of any hostile intention against government, innocent of the object of their leader, whom they followed for the mere love of adventure. They dispersed themselves through the territory and supplied it with school masters, singing masters, dancing masters, clerks, tavern keepers, and doctors."

Singularly enough, Graham, after his long pursuit of Burr even as far as the town of Washington, was compelled to bear strange witness:

"I am sorry to say," he wrote February 8th to Madison,³ "that since my arrival in this Territory I have met with many people who either openly or indirectly attack the government for not countenancing Colonel Burr in the invasion of Mexico, for it is generally considered here that that was his object. I am well persuaded that most of his followers were of this opinion."

However innocent the people thought the asso-

¹Gaines to Jefferson, July 23, 1807; Jefferson MSS.

²Claiborne's *Mississippi*, p. 282.

³Graham to Madison, February 8, 1807; Letters in Relation.

ciates of Burr, the coterie of officers of the government continued to harass them. About the time of Burr's disappearance probably sixty of his followers and friends were made prisoners in Natchez.¹ This wholesale arrest was occasioned by the discovery of a note alleged to have been taken from the cape worn by a negro boy. The note, dated February 1st, and said to have been addressed to Tyler and Floyd, ran as follows:²—

“If you are yet together, keep together, and I will join you to-morrow night. In the meantime, put all your arms in perfect order. Ask the bearer no questions, but tell him all you may think I wish to know. He does not know that this is from me, nor where I am.”

This was a malicious fabrication; falsity appears on its face—no explanation, no original, nobody to claim the honor of its interception. Moreover, the impostor who wrote it was not aware that the trial of Burr at the town of Washington had not yet begun! And this fact, too, has been overlooked by some of those who lay great stress on the import of the above document. In the whole affair there is not a more despicable piece of testimony, unless, indeed, it be that wherein Dunbaugh swore that he had witnessed in the dead of night the sinking by Burr of his chests of arms in the Mississippi.

Most of those seized in Natchez were released after a few days; but the leaders were held to account. Floyd, Ralston, Tyler, and Blennerhassett were

¹*Annals of Congress*, 1807-08, p. 494.

²*Annals of Congress*, 1807-08, p. 589. Mr. Adams says (iii., 327) that the above note was the last word of Burr to those he had ruined.

brought before Judge Toulmin, whom Wilkinson pronounced a most loyal judge. Blennerhassett was the first examined, and although the judge had said he thought the conspirators might be tried in any United States court, he bound him over to that of Virginia, knowing that his family was with him and that it meant great privation and inconvenience for him to make his way across the continent. Toulmin's ostensible reason for his action was that a prosecution carried on against him in Mississippi "must of necessity terminate in an idle parade."¹ Floyd and Ralston wished to be tried in Indiana, where they lived; therefore the judge assigned them to the courts of Mississippi. Anything for annoyance. Tyler was to have been tried February 15th, and that day Toulmin wrote, "I am strongly inclined to think him entirely innocent." January 23d, Tyler had avowed to Lieutenant Stark that he was conscious of the purity of his motives, that he respected the laws and government of the United States, and that treason had never entered his mind. Floyd had been an honored citizen of the Northwest Territory, and now that he was accused of being a traitor Governor Harrison spoke with unhesitating frankness in his favor:

"I have been intimately acquainted with this gentleman for six years," the Governor wrote to the President, "and I can truly affirm that there is not a man in the territory who possesses more entirely my confidence and esteem. As sheriff of the county in which he resided, representative in the legislature, and an officer in the

¹Letter dated February 15, 1807; Letters in Relation.

²Tyler to Stark, January 23, 1807; Letters in Relation.

³Harrison to Jefferson, April 13, 1807; Jefferson MSS.

militia (in which he held the rank of major), his conduct was equally honorable to himself and useful to his fellow citizens, nor do I believe there is any man who possesses a higher sense of patriotism and more devotion to the Constitution of his country."

While the unfortunate filibusters were being disposed of by Toulmin, Louis Kerr and Judge James Workman, two of Wilkinson's suspected traitors, were at the bar of the United States court in Natchez. March 2d Kerr was arraigned on a charge of having set on foot a military expedition against the Spanish possessions in America. The trial lasted two days—the verdict was, "Not Guilty." Judge Workman, who had been compelled to resign the judgeship of the County court of Orleans because of Wilkinson's insults, was charged with high misdemeanor in having planned an expedition for the conquest of Mexico. Again the verdict was, "Not Guilty."¹ Strange to say, neither was accused of treason. The result could not have been different; it was indeed a waste of time to attempt the conviction of men who were guilty of no other offense than plotting to overrun certain provinces of New Spain. Criminal as it was, and is, to take part in filibustering enterprises, the pioneer of a century ago was disposed, as we are even in this day, to overlook any such movement so long as an enemy is injured.

As late as April, Governor Williams inquired what he should do with Tyler, Ralston, Floyd, and Blennerhassett. "I do not know that we can do anything but direct General Wilkinson to receive and send them to any place where the judge shall decide they ought to be

¹*Orleans Gazette*, March 10, 1807.

tried. I suppose Blennerhassett should come to Richmond."¹ In due course of time they were released, Blennerhassett starting for his island home. He was arrested, however, in Kentucky and conveyed to Richmond under indictments for misdemeanor and treason. Ralston suffered no further prosecution; but Tyler, Floyd, and I. Smith were indicted at Richmond, only to have, after the acquittal of Burr, *nolle prosequi* entered against their names.

¹Jefferson to Madison, April 25, 1807; Jefferson MSS.

CHAPTER XI.

Measures in Washington.

✕

FOR SOME time after the receipt of Wilkinson's confounding letters and the Proclamation of November 27th, which they occasioned, the Government manifested no uneasiness concerning the enterprise in the West. December 1st Congress assembled, and the next day the annual Message was read, which devoted but few words to Burr's project. The President said his information concerning it was "chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions as [rendered] it difficult to sift out the real facts." In October when the General sent the letter which called out the Proclamation he also inclosed his secret views which looked upon the movement as probably double-natured. But the President, acting only on the strength of the official communication, said in his Message that he had "received information that in another part of the United States a great number of private individuals were combining together, arming and organizing themselves contrary to law, to carry on a military expedition against the territories of Spain." He had consequently issued his Proclamation as an act of good faith toward Spain, and in order that the conspirators might not decide the question of peace or war for the country.

Referring to the matter of our boundary troubles

with Spain, he informed Congress that the Sabine River had been accepted as the temporary line of demarcation—which was not true. Wilkinson's deception had made possible such a misstatement of fact. In this connection Jefferson took occasion to praise the conduct of the inhabitants of Mississippi and Louisiana:

"I inform you with great pleasure of the promptitude with which the inhabitants of those Territories have tendered their services in defense of their country. It has done honor to themselves, entitled them to the confidence of their fellow citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur."

Every word was deserved. Jefferson's view of the conspiracy thus far was entirely correct; he showed his political insight in placing it on a par with Miranda's scheme, and in saying that the Westerners might be relied on in every instance where patriotism and honor were involved.

"I am confident," Jefferson said to Rodney,¹ "he [Burr] will be completely deserted on the appearance of the Proclamation, because his strength was to consist of the people who had been persuaded that the Government connived at the enterprise."

It was indeed possible that Burr persuaded the Westerners to join him under the plea that the Government connived at his hostile intentions against the Spanish possessions; but it would be the acme of absurdity to maintain that he won them to himself by assuring them that the Administration viewed with

¹Jefferson to Rodney, December 5, 1806; Jefferson MSS.

tranquillity the projected severance of the States. Yet even Jefferson was destined to doubt for a day the unswerving fidelity of the West.

The month of December wore on at Washington bringing little additional news of the expedition. While Jefferson fully believed that his Proclamation would put an end to the expedition—and in this he was not mistaken—the constant agitation at last half convinced him that the dangers were greater than he had calculated. December 20th Robert Smith, Secretary of the Navy, sent orders to Captain Shaw, who commanded the squadron before New Orleans, to place his boats in the best position to effect the destruction of Burr's forces.¹ But Smith was not satisfied with this. He thought it necessary to write the President at length showing the measures he had meant to urge:²—

“In the course of our various communications in relation to the movements of Colonel Burr in the Western country, I have from time to time expressed the opinions which, as they were not at all countenanced by any of the other gentlemen, I did not deem it expedient to press upon your attention. . . . If, as was proposed on the twenty-fourth of October, the sloops-of-war and the gunboats stationed at Washington, New York, Norfolk, and Charleston had been sent to New Orleans under the command of Commodore Preble, with Captain Decatur second in command, we would at this time have nothing to apprehend from the military expedition of Colonel Burr. Such a naval force joined to the ketches and gunboats now on the Mississippi, would beyond a doubt have been sufficient to suppress such an enterprise.”

¹Smith to Shaw, December 20, 1806; Letters in Relation.

²Smith to Jefferson, December 22, 1806; Jefferson MSS.

Jefferson was prompt in his reply,¹ and now for the first time developed symptoms of panic.

“What I had myself in contemplation,” he said, “was to wait till we get news from Louisville of December fifteenth, the day of Burr’s proposed general rendezvous. The post comes from thence in twelve days. The mail next expected will be of that date. If we then find that his force has had no effectual opposition at either Marietta or Cincinnati, and will not be stopped at Louisville, then, without depending on the opposition at Fort Adams (though I have more dependence on that than any other), I should propose to lay the whole matter before Congress, ask an immediate appropriation for a naval equipment, and at the same time order twenty thousand militia, or volunteers, from the Western States to proceed down the river to retake New Orleans, presuming our naval equipment would be there before them. In the meantime I would recommend to you to be getting ready and giving orders of preparation to the officers and vessels which we can get speedily ready.”

Jefferson without involving himself in a maze of contradictions could not have thought the danger great, if he calculated on being able to muster twenty thousand militia in the region which had given birth to the conspiracy. The day before, he had written Governor Langdon in an unusually confident tone.² He outlined to him that Burr had planned to seize New Orleans, attack Mexico, and to add to this Louisiana and the Western States. This would make up his empire. “I do not believe he will attain the crown,” continued the President, “but neither am I certain that the halter will get its due.” It was still his opinion that the Western

¹Jefferson to Smith, December 23, 1806; Jefferson MSS.

²Jefferson to Langdon, December 22, 1806; Jefferson MSS.

States would suppress the enterprise, that the trouble with Spain would result in war.

January 2d Wilkinson's mendacious letter of November 12th from Minor's Seat reached the White House. Besides this the messenger gave an oral account of Burr's cipher letter. Even then Jefferson did not lose his equanimity. News reached him, too, that a war vessel of twenty-two guns was fitting out in New York harbor under the command of one Blakely, lieutenant to Miranda, to go to the assistance of Burr. January 4th the President reported to Gallatin that he had ordered Blakely to be arrested and the authorities to search out the ship.¹ He took no other measure, however, even with Wilkinson's foreboding letters before him. He was warranted in this, for the Western mail had brought news that most of Burr's boats had been seized, that only six had escaped. What had the fleet of ketches before New Orleans to fear from a settler's squadron? Such was his frame of mind until the country seemed to go Burr-mad; and until Wilkinson's venal letters and Eaton's corrupt deposition convinced him that Burr had really been guilty of plotting a separation of the States. If their story were true, then Aaron Burr's enterprise was "the most extraordinary since the days of Don Quixote."

"It is so extraordinary," Jefferson wrote January 11th to Charles Clay,² "that those who know his understanding would not believe it if the proofs admitted doubt. He has meant to place himself on the throne of Montezuma, and extend his Empire to the Alleghany, seizing on New

¹Jefferson to Gallatin, January 4, 1807; Jefferson MSS.

²Jefferson to Charles Clay, January 11, 1807; Jefferson MSS.

Orleans as the instrument of compulsion for our Western States. I think his undertaking effectually crippled by the activity of Ohio. Whether Kentucky will give him the *coup de grace* is doubtful; but if he is able to descend the river with any means, we are sufficiently prepared at New Orleans. I hope, however, that Kentucky will do its duty and finish the matter for the honor of popular government, and the discouragement of all arguments for standing armies."

The *Palladium* would have replied to that exposition in this wise:¹—

"Believing him [Burr] to be a man of common sense at least (and by many his abilities are estimated highly), he would surely adapt the *means* to the end. And can it be supposed he has done so, if his object is to attack Mexico, dismember the Union, and erect an independent empire, by building a few boats on the Ohio and by a few secret emissaries scattered over the Western country? The physical force to do this lies with the people, and to command it, public opinion must be with him. Perhaps it would not be going too far to say that nine-tenths of the Western people would oppose such a project, satisfied as they are with the administration of the government of the Union, and the present happy situation of public affairs."

But the force of this argument would have failed to penetrate the armor of the President, who, while outwardly professing faith in the loyalty of the frontiersmen, regarded the capture of the boats on the Muskingum as the master-stroke in the crippling of the enterprise. One may justly infer from Jefferson's frame of mind that the project failed for the want of the appliances of war—not for lack of the spirit of sedition. Holding such an opinion, he was, strangely enough,

¹*Palladium*, November 13, 1806.

disposed to deride the movement; the newspapers, however, teemed with "rumors dangerous to the peace and safety of the Union," and some individuals high in office were expressing their apprehensions:

"I fear that Burr will go down the river," Samuel Smith wrote¹ to W. C. Nicholas, "and give us trouble. The proclamation, it seems, in the Western country is very little attended to. They, no doubt, seeing no exertion making, consider that it has originated from false information. The President has not yet given any kind of information to Congress, and gentlemen (Giles among the number) will not believe that there is any kind of danger. . . . Burr's letter to Wilkinson is explicit. (This is secret.) He had passed the Alleghany *never, never* to return; his object, New Orleans,—open and avowed. And yet not one step taken, except the proclamation!"

Smith, like many others, jumped to conclusions in basing treason on Burr's letter to Wilkinson; and he was still further away from the truth in asserting that the people paid no attention to the Proclamation. We have had cause to notice its effects.

January 16th, while Burr was negotiating with Meade, John Randolph started on a new crusade against Jefferson by moving a Resolution asking of him what was known of the Burr Conspiracy and what measures had been taken for its suppression. This was an unusual proceeding, but it was Randolph's purpose, now that reconciliation was neither expected, nor sought, to compromise the President, and to disgrace him in the eyes of the country. Knowing that Jefferson was opposed to a Spanish war and that the masses

¹Adams, iii., 334.

would hail it with acclaim, he struggled with all his indomitable energy to bring it about. Randolph connected Burr's movements with the activity of the Spaniards on the frontier, thereby making Jefferson a target for abuse because of his failure to use a mailed hand in his dealings with the foreigner :

"Ever since the peace of 1783," Randolph inveighed, "Spain has incessantly labored to detach the Western people from the Union. . . . It appears, indeed, that she has never lost sight of this object ; and I believe she never will lose sight of it so long as she shall find materials to work upon, or a shadow of hope that she will succeed. . . . If the Government, . . . had taken a manly and decisive attitude towards Spain, and instead of pen, ink, and paper, had given men and arms—is there a man who believes that not only Spain would have been overawed, but that those domestic traitors would have been intimidated and overawed, whose plans threaten to be so dangerous ?"

The underlying idea of the old Spanish Association here again sprang into vigorous life. In the eyes of the statesman from Virginia, Burr's enterprise was not an independent one aimed at both the Union and the Spanish provinces ; it was directed solely toward the destruction of the Federation, and Spain not only applauded but was really at the bottom of the plot. The British Minister reported to Lord Howick that "Surmises of various kinds as to the real objects of the projects have supplied the place of facts ;" but added—

"The circumstance that has excited the greatest suspicion against the persons concerned in the enterprise, has been the very large quantity of money that has been collected. Spain is said to be concerned in exciting these plots to

endeavor to effectuate a division of the Western country from the Union."¹

Not only did the country at large believe Spain guilty of prosecuting a sinister intention to detach the Western States from the Republic, but the Government concurred in the opinion.² To that end Spain was supposed to have contributed money and encouragement. One need go no further to realize how illusory and chaotic was the idea of the conspiracy in the public mind, for we know that Spain had no part whatever in the drama which made so tremendous a sensation. A majority of the House of Representatives came to the support of Randolph's Resolution, and from the tenor of the speeches made in favor of it the conclusion is only too obvious that it was believed a disclosure of the President's information would so implicate Spain that war would of necessity result.

January 22d in response to the Resolution, Jefferson sent a report of the Aaron Burr affair to Congress. He related that in the latter part of September he had,

"received intimations that designs were in agitation in the Western country unlawful and unfriendly to the peace of the Union. . . . It was not till the latter part of October that the objects of the conspiracy began to be perceived, but still so blended and involved in mystery that nothing distinct could be singled out for pursuit."

The President had indeed for months been receiving letters of warning from Daviess, and later also

¹Erskine to Lord Howick, January 6, 1807; MSS. British Archives.

²Erskine to Lord Howick, February 1, 1807; MSS. British Archives.

from the Morgans; but in each was only mystery and indefiniteness—there was in very truth nothing to be “singled out for pursuit.” However, Jefferson said, the receipt of Wilkinson’s messages from Natchitoches utterly altered the aspect of things. These letters, together with other information,

“when brought together developed Burr’s designs. . . . He contemplated two distinct objects, which might be carried on either jointly or separately. . . . One of these was the severance of the Union of these states by the Alleghany Mountains; the other an attack on Mexico. A third object was provided, merely ostensible, to wit, the settlement of a pretended purchase of a tract of country on the Washita claimed by Baron Bastrop.”

This was but the beginning of the mischief wrought by Wilkinson’s fabrications. He had “developed” Burr’s designs and Jefferson was compelled by Congress to declare himself; so he credited his General and said that Burr’s guilt was placed beyond question. Alluding to Burr, he continued, “He found at once that the attachment of the Western country to the present Union was not to be shaken,” and “took his course then, at once determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico.” Jefferson’s language was positive, but six months later it was discovered—in spite of the extraordinary exertions which had been made to procure testimony—that the emphatic utterance rested upon Wilkinson, while Wilkinson in turn relied upon the President.

“In Kentucky a premature attempt to bring Burr to justice without sufficient evidence for his conviction

had produced a popular impression in his favor and a general disbelief of his guilt." Herein the President did violence to the facts—but no doubt unwittingly—as he did when he ridiculed the transfer of the Bastrop lands as a "pretended purchase."

"Great alarm, indeed," declared the report, "was excited at New Orleans by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies and navies he was to assemble there." Had he spoken the truth he would have had to say that genuine alarm coincided with Wilkinson's arrival. There is nothing to show that any of the so-called emissaries of Burr were guilty of circulating inflammatory reports; but there is every reason to believe that the General deliberately strove to turn the city into a tumultuous camp. It was only another instance of his duplicity—he scattered terror and gave it out that Burr's followers were doing the mischief.

Jefferson's memorable communication recited in conclusion that "on the whole, the fugitives from the Ohio with their associates from the Cumberland or any other place in that quarter, cannot threaten serious danger to the city of New Orleans."

This assurance, however, failed to allay the sudden fears of the Senate. The ensuing day under suspension of the rules a law was passed suspending for three months the writ of habeas corpus. Monday, January 26th, the bill came before the House. It was at once decided that it should be discussed with open doors—and this meant its defeat. The rejection of the bill was moved by Eppes, the President's son-in-law. It

was urged by the supporters of the motion that the danger had passed; that the Executive had not required such a measure; that it was not sanctioned by the Constitution; and that it was a dangerous precedent. The dissent was feeble, and the motion prevailed by an overwhelming majority—113 to 19. The Senate was rebuked for its undignified haste and ill-advised action; but the House must have been chagrined, for all this had been occasioned by Randolph's Resolution which had thus ended abortively. Defeated in one direction, the opposition to the Government sought a more vulnerable point.

Profiting by the confusion occasioned by the report of Wilkinson's military seizures, February 7th, Mr. Broom, Federalist representative from Delaware, submitted the following Resolution, "Resolved, that it is expedient to make further provision for securing the privilege of the writ of habeas corpus to persons in custody under or by color of the authority of the United States." Ten days later it came up for action, whereupon an animated, embittered debate was precipitated which lasted for four days. Randolph joined the Federalists in the attack, averring that Jeffersonian Republicanism shielded worse outrages on the Constitution than the régime which brought the Alien and Sedition Laws. The brilliance and invective of Randolph's attack eclipsed the replies of the Administration Democrats, who pleaded confidently that Burr was guilty, that Wilkinson was justified in having trodden under foot the sacred writ, that the Federalists were displeased only because the conspiracy had failed in its purpose.

Finally, driven from their ground, but confident of their voting strength, the beaten opponents of the Resolution fell back on the proposition that if by chance the accused were innocent and Wilkinson had exceeded his authority, there was the usual recourse to law for damages. This would put the writ of habeas corpus "on the footing of a common trespass," Randolph insisted, while it was "the only writ sanctioned by the Constitution." It should therefore be safeguarded. As it was, if the judge violated it impeachment might be resorted to, but impeachment—and Randolph spoke, having in mind his defeat in the impeachment trial of Justice Chase—was an "uncertain punishment"; likewise, if a military tyrant usurped the time-honored right, there was only the ordinary process for damages. Then he closed his discourse with the ringing appeal that a law should be passed against murder though the dead man "have redress without it!"

It was a trying moment for Jefferson. The Quids and Federalists had made sad havoc in the ranks of his supporters, and the sentiment against Wilkinson was so overwhelming that it appeared as if the President would be overborne in a misguided effort to save the chief of his army. While the debate was at its hottest the prisoners whom the General had shipped from New Orleans were on trial in the Capital, each in his turn to be liberated for want of evidence of guilt. It was truly a crisis in Jefferson's political career—chiefly indicative of what he might expect—for it was by the margin of two, the vote stood sixty to fifty-eight, that the Resolution was postponed indefinitely. The

day had been saved—and Wilkinson; but the cost of it was not then to appear.

On January 18th—Burr had just surrendered to the civil authorities on the Bayou Pierre—Jefferson learned of Wilkinson's illegal arrests, and that some of the suspected traitors would soon reach Washington. He also received for the first time a version of the famous cipher letter. In his communication to the Senate and House of January 26th he said that he had ordered all military prisoners delivered at once to the civil authorities, adding that the evidence submitted by Wilkinson was also to be laid before the courts.

Alexander was the first to arrive, reaching Baltimore January 31st. He was sent straight to Washington, and on the sixth of February appeared before Judge Ducket, who released him for want of evidence.¹ Next came Swartwout and Bollman. Upon arriving at Washington, the Supreme Court being in session, they applied for a writ of habeas corpus. February 13th Chief-Justice Marshall granted it. On a motion for their discharge the evidence was reviewed and on the twenty-eighth the Chief-Justice delivered an exhaustive opinion, deciding that the charge of levying war had not been sustained by sufficient evidence to warrant the commitment of Swartwout, still less of Bollman.

Thus three of the chief subordinates in the conspiracy, whom Wilkinson had specially consigned to the President, had escaped. It is no wonder that the General was annoyed at the result, his deposition having been incidentally ignored; and that he sought to

¹*Orleans Gazette*, March 24, 1807.

stimulate Jefferson by relating that the release of these base conspirators had given new confidence to Burr's partisans in the lower country and that another outbreak was likely.

Tuesday, February 17th, while the examination of Bollman and Swartwout was progressing at Washington, General Adair and Ogden landed in Baltimore. Wednesday the prisoners were brought before Judge Joseph N. Nicholson in obedience to a writ allowed by him that morning. They were immediately released, no cause for confinement being shown.¹

"Very much to my surprise and mortification," said the judge to the President,² "there was no proof of any nature whatsoever with them, although I administered an oath to Lieutenant Luckett with a view to acquire the necessary information from him. He could give none except the common conversation of the day. And I was under the necessity of discharging the prisoners."

Forty-eight hours later the Executive replied in a most benevolent mood, "Their crimes are defeated, and whether they should be punished or not belongs to another department, and is not the subject of even a wish on my part."³ This, considered together with subsequent utterances, reveals a grievous weakness in his character—that his great mind could harbor hatreds malignant enough to poison his love for justice. For did he not instruct Hay to pardon all the accused provided the principal might be convicted?⁴

After Adair had been discharged he went to Wash-

¹*Orleans Gazette*, April 3, 1807.

²Nicholson to Jefferson, February 18, 1807; Jefferson MSS.

³Jefferson to Nicholson, February 20, 1807; Jefferson MSS.

⁴See p. 338.

ington and demanded of the Attorney-General an investigation. The latter remarked that evidence was lacking and that the matter could not be pursued. Soon after this Adair brought suit in Natchez against Wilkinson for false imprisonment. At the end of eight years the case was finally decided in an award of \$2,500 damages, the jury adding that the sum would have been greater but for the notorious poverty of the General. The Government, however, paid the debt.¹ During this long period Wilkinson had signally failed to make out a case against the man whom he had violently seized as a traitor—the man who proved himself a hero in the battle of New Orleans, who served his State as Governor, and who ever held a high place in the esteem of the people of the Commonwealth of Kentucky.

January 28th the President sent to the Senate and House the news he had received from Andrew Jackson and Captain Bissell to the effect that only a few boats had passed down the river, and that these were unwarlike. Since none others could escape he considered the conspiracy at an end. February 19th he communicated to Congress the pleasing news Governor Meade had sent concerning the arrival of Burr in the Mississippi Territory, and of his surrender to the civil authority.

Now that the enterprise was ended Gallatin suggested in a brief letter of February 21st to the Executive that it would be proper to obtain an appropriation for making compensation for the boats and provisions

¹Gales and Seaton's *Biographical Sketches* (General John Adair).

seized on the Ohio.¹ This was in consequence of his having received a letter from Alston inquiring about the matter. February 27, 1807, the Cabinet formally recognized by its action that the conspiracy as an active force was dead, and that the time for the prosecution of the guilty had arrived.

It was "agreed to discharge all the militia at stations from the mouth of the Cumberland upward; to give up all boats and provisions seized, except Blennerhassett's, or to pay value thereof and apply them to the public service; to institute an inquiry into the proceedings of Burr and his adherents from New York to New Orleans; and particularly to appoint good men at Pittsburg, Marietta, Wood County, Cincinnati, Louisville, Nashville, Vincennes, Saint Louis, Natchez, New Orleans, Washington City, Philadelphia, and Norfolk to take affidavits—the Attorney-General to prepare the interrogatories."²

Meantime New Orleans had returned to a rational state. When it had become known that Burr's formidable fleet of transports and vessels of war was actually represented by nine ordinary river boats; that his numerous army of traitors had dwindled to less than sixty peacefully disposed citizens; that the dangerous stores of arms and munitions were made up of a few rifles and powder horns; and that he had offered no resistance to the authorities—the collapse was complete. What with the Memorial of the Legislature and the acrimonious denunciations of Livingston and Watkins, Wilkinson felt that his character, though well "established," was being slowly worn away. The reaction was obtrusive, convincing; and he took further

¹Gallatin to Jefferson, February 21, 1807; Jefferson MSS.

²Cabinet Memoranda, February 27, 1807; Jefferson MSS.

steps to strengthen his position with the President. February 13th he wrote to Jefferson:¹—

“You must long before this perusal have heard of the salutary decision to which I have been driven in this city, and of the persecution and abuse I have suffered and am suffering in consequence of it. The late clemency and confidence extended to Colonel Burr in the Mississippi Territory, the popular standing he has acquired there, and his mock trial and acquittal, and his recent flight from justice, may, I hope, have the tendency to dissipate the delusions spread abroad by his open adherents and numerous secret friends in this quarter; and at the same time serve to illustrate the soundness of those strong-handed precautions to which I resorted to destroy the concert and coöperation of the conspirators, to stem the torrent of disaffection, and to save this city from the horrors of a civil commotion.”

A more forceful statement of his case could not have been written—the collapse of the conspiracy left him fearful of the consequences. He grasped at every incident which would help his cause or palliate his illegal acts. Prosecution and disgrace seemed to him fast approaching—the consciousness of his own guilt raised before him nameless terrors which he sought to silence by repeating the magical name of Jefferson. His method with the President was irresistible. All his fine argument was to lead up to an appeal which Jefferson, through his alliance, was compelled to hear and to heed. “But, sir,” said Wilkinson, “when the tempest has passed away and dangers have disappeared I must hope I shall not be left alone

¹Wilkinson to Jefferson, February 13, 1807; Letters in Relation.

to buffet a combination of bar and bench." In conclusion the General hastened to felicitate the President on his narrow escape from a terrible calamity and upon the discovery in the West of a degree of loyalty beyond imagination.

"I congratulate you, sir, with my whole soul on the issue which the nefarious project has taken. . . . I consider the general safety secured, and I view with exultation the triumph of principle in the patriotic display made by the states of the Ohio."

For Wilkinson to prate of the "patriotic display made by the states of the Ohio," a region he had represented as ripe for revolt, was downright knavery recoiling on itself. Moreover, when he confessed that the native population of Louisiana, the Creoles, were the most loyal of Americans, his hypocrisy was laid bare in all its hideousness—he admitted that the West from the Ohio to the Gulf of Mexico was stanchly patriotic, and that he had made his accusations for selfish purposes. Even at such a moment his courage, always great, was undiminished. Four days after the above dispatch he sent another equally steeped in deception.

"The flight of Burr," he said in an official dispatch to the Chief Executive,¹ "the boldness of his numerous associates in the Mississippi Territory, and the very strong interests he has established in the Territory again involve us here in doubts and fears as to the speedy termination of this illicit enterprise. For if (as is believed by many) he is now concealed near Natchez, and should he on the breaking up of the ice receive four or five hundred auxil-

¹Wilkinson to Jefferson, February 17, 1807; Letters in Relation.

iaries, it is probable he will make some desperate attempt against the Spaniards either in West Florida or by Nacogdoches; for, unless he can gild his crimes by some extraordinary stroke of fortune, he must seek the grave as his only resort. We have many here who would wish to see him master of the city, but his followers will not support him (generally) in any attempt *directly* against the United States, and besides my little force has become too respectable to be approached by any body of irregulars without imminent danger."

The manifest uneasiness that Burr would yet "gild his crimes" by attacking some part of the Spanish dominions vividly recalls Wilkinson's dispatch to the President from Natchitoches in which he indicated that with the proper authority he might direct the energies of the associates against the enemy. The fear was now that they would of their own accord assail some Spanish settlement and for the purpose simply, as he chose to express it, of saving themselves from traitors' graves. Were the Mississippians in reality playing a sinister part in the drama of disaffection when they volunteered against Burr, and when they later declared they had been deceived in believing his enterprise hostile to the nation of which they were a part? It was a late hour, but a fitting climax for Wilkinson to admit that Burr's forces would make no "attempt *directly* against the United States." The General's case was still hanging in the balance. The capture of Baton Rouge by the Burrites would have irretrievably overthrown it.

The outspoken sympathies of the people in favor of revolutionizing West Florida and Mexico were held in abeyance only by the supersensitive state of the public mind and by the hatred with which they looked

upon secret combinations: Wilkinson reënforced Graham's observation as to the predominant purpose in the masses to invade the Spanish territories, and while busy searching for witnesses and clearing away the débris of the conspiracy, he discussed briefly the situation of affairs with Jefferson.¹ Noting Bonaparte's plan for universal dominion, he passed to a subject he said he had had some time in mind. 'With leave he could foster a revolution in Mexico.' Referring to a conversation he had with the President in 1804 concerning Cuba, he advised the capture of the island; adding that within six months in conjunction with an English squadron the Floridas might be taken and Mexico freed.

"They [the Floridas] are ripe for violent measures. . . . If the United States will not protect them they will solicit the help of England. The taking of Baton Rouge and Pensacola they speak of as matters of trifling achievement. They have about four hundred men who will follow their standard to any length they please."

These expositions to the Executive are supplemented by a letter to Clark, which is characteristic and shows that the General was eager for the revolutionizing of Mexico, provided he was the leader of the army.

"The *chiefs* of Mexico are ready to declare for independence, on the slightest encouragement of the United States, to whom they look for alliance and support. I write facts which I have enterprised and hazarded much to ascertain since November last. The opportunity appears to be a golden one, and I hope it may suit the policy of our country to adopt it. The poor devils on the side

¹Wilkinson to Jefferson, March 12, 1807; Letters in Relation.

of Texas have all retired, and Nacogdoches is left with its usual guard."

Was it only now dawning on the General that the Mexicans were ready to declare for independence? The news was nothing new. By coincidence, at the time Wilkinson wrote, one of Burr's agents, ignorant that the end had come at Bayou Pierre, continued his operations in San Antonio de Bexar with so much boldness that the Government was soon in pursuit of him. Cordero said to Salcedo that one of Burr's associates full of "cabalistic" ideas was there engaged in fomenting rebellion.¹ Could there have been any connection between Wilkinson's idea of "fomenting" a revolution in Mexico and the original design of the conspirators? Who will say there is no relation between the expedition of 1806, the taking of West Florida in 1810, the *Grito* of Hidalgo, and the conquest of Texas?

The sentiment prevailing in New Orleans rang out clearly at a banquet in May, 1807. Jefferson, the author of the Declaration of Independence, was toasted for having sustained Wilkinson in his military arrests, his words in that ever memorable document being quoted, that one of the crimes of a tyrant is that "He has affected to render the military independent of and superior to the civil power." Then Claiborne was made to drink to Wilkinson, which was at once a taunt and a revelation: "The hero of the Sabine, may his laurels be converted into birch to scourge the enemies of his

¹Salcedo to Cordero, March 1, 1807; MSS. Bexar Archives. Salcedo to Iturrigaray, March 2, 1807; MSS. Carpeta No. 2, Bexar Archives.

Catholic Majesty and the advocates of Mexican emancipation."¹

Sharp and unrelenting as was the criticism urged against the Governor, he had profited in no wise from his experience of the past months. He was still as unstable, as pliant, and as incapable of grasping a situation as when he first came into the government of the Territory. To show what absurdities he could entertain, what unfounded situations he could conjure up, one has but to follow his correspondence.

"I anticipate very considerable opposition," he said to the President,² "in the administration of this government; the intrigue of the associates of Burr will be continued, and will principally be leveled against me. General Wilkinson having gone, I am perhaps the only officer of the general government, now here, who supports the late proceedings in this territory; proceedings which were influenced by the purest motives, and of the propriety of which, taking them in the aggregate, I have now no doubt."

He also launched his suspicions at Colonel Freeman of the army, and at Brown, collector of the port. He condemned Dr. Watkins, saying that "the intriguing of designing men had caused him to abandon those principles which he once professed and practiced." A few weeks earlier he had said to Madison:

"With respect to Dr. Watkins, it is due to justice to add, that I believe he meditated nothing against the American Government—and that he sincerely loves his country. I, however, am of opinion that his zeal for the liberation of the Mexicans led him into some impru-

¹*Orleans Gazette*, May 5, 1807.

²Claiborne to Jefferson, May 19, 1807; Jefferson MSS.

dences, and under this impression, although my private regard for him is considerable, I have withdrawn my official patronage."¹

Watkins was indeed compelled to resign the mayoralty of New Orleans. But Claiborne certainly did not consider in what light he placed himself when he admitted that he was the only official now in the city who supported the "late proceedings" in that region. He was unable to break the spell which had been cast over him. Believing the General honest, he thought whoever antagonized his measures a schemer, a Burr-ite. Such a victim was Watkins. And Claiborne's views remained unregenerate to the last, although he came to confess what Jefferson was loath to believe and what has been denied by historians for a century—that the Creoles were loyal to the Union!

"General Adair is still here," he related to Jefferson, "and daily in the receipt of the most pointed attentions from a portion of our American society. He abuses our government and its officers, and denounces Wilkinson as a pensioner of Spain and a traitor to his country. If Burr should be acquitted, it is probable we shall see him here also in the fall. But I do not think it will be in his power to induce the Louisianians to favor his views or plans. It is a fact, sir, that the Louisianians, I mean the ancient inhabitants of the country, are now the best supporters of the American government."²

The Governor followed complacently the lead of his military superior, who had recently informed the President that Adair was "capable of a desperate enterprise"; adding, "Every day unfolds something of the

¹Claiborne to Madison, March 11, 1807; Letters in Relation.

²Claiborne to Jefferson, June 28, 1807; Jefferson MSS.

plot and convinces me it is not abandoned.”¹ But Jefferson was too much engrossed with imperative national affairs to ask for evidence. He was indeed obliged to credit the reports of his officials, and if he was deceived he might plead in extenuation the exaggerations of distance and the distemper of society at large. Nevertheless, with the President’s bias and preconceived notions of Burr it was all too easy for him to believe in his guilt—and no surprise that the hue of that guilt should be as dark as Wilkinson could paint it. By this time, indeed, Jefferson was proof against alarms—they were out of season to say the least, now that Burr and his coterie of associates were in the toils of the law. There was, however, little cause for jubilation at Washington. The acquittal of Bollman, Swartwout, and the other minor characters aroused in the Government a determination to secure at any cost the conviction of Burr—the credit of the Administration was at stake; and in the prosecution of the case neither time nor money was to be spared. Following the resolution of the Cabinet at the end of February, Rodney soon had printed lists of questions—with an appeal to honest citizens to send by affidavit their knowledge of the affair—scattered throughout the land; and the Government’s agents were searching for evidence in every quarter.

¹Wilkinson to Jefferson, April 19, 1807; Letters in Relation.

CHAPTER XII.

The Trial at Richmond.



MARCH 5, 1807, surrounded by a guard of six men under Nicholas Perkins, who had been instrumental in his interception, Burr set out from Fort Stoddert on the journey of a thousand miles to Washington. Twenty-one days later the prisoner was lodged in the Eagle Tavern, Richmond, whither he had been directed by order of the Executive. The day following he wrote his daughter: "It seems that here the business is to be tried and concluded. I am to be surrendered to the civil authority to-morrow, when the question of bail is to be determined. In the meantime I remain at the Eagle Tavern."

March 30th, in a small room of the Tavern, Burr came up for an examination before Chief-Justice Marshall, in whose district the alleged crime, or crimes, had been committed. George Hay, district-attorney for the United States, moved for a commitment on charges of misdemeanor and treason. Two days of argument followed; then the Chief-Justice delivered his opinion:

"The fact to be proved in this case is an act of public notoriety. It must exist in the view of the world, or it cannot exist at all. The assembling of forces to levy war is a visible transaction, and numbers must witness it. It is, therefore, capable of proof; and when time to collect this proof has been given, it ought to be adduced, or suspicion becomes ground too weak to stand upon. . . .

If in November or December last, a body of troops had been assembled on the Ohio, it is impossible to suppose that affidavits establishing the fact could not have been obtained by the last of March. . . . On the evidence furnished by this very transaction of the attachment felt by our Western for their Eastern brethren, we justly felicitate ourselves. How inconsistent with this fact is the idea, that no man could be found who would voluntarily depose, that a body of troops had actually assembled, whose object was detested and defeated by the very people who could give the requisite information! I cannot doubt that means to obtain information have been taken on the part of the prosecution; if it existed, I cannot doubt the practicability of obtaining it; and its non-production, at this late hour, does not, in my opinion, leave me at liberty to give to those suspicions which grow out of other circumstances, the weight to which at an earlier day they might have been entitled. I shall not, therefore, insert in the commitment the charge of high treason."

Accordingly, the accused was bound in the sum of \$10,000 to appear at the next term of the Circuit Court to convene at Richmond, May 22d, to answer the charge of high misdemeanor. Five securities presented themselves, and on the afternoon of April 1st Burr was once more at liberty.

Jefferson was enraged at this first defeat; the prosecution was nonplussed; and ever since there have risen eminent authorities to proclaim that throughout the course of the trial Marshall's political bias and personal dislike of Jefferson warped his judgment in favor of Burr to the shame of the law and the evidence. In that they are but consistent. Treating the conspiracy from first to last as animated by treason, they must offer some explanation for the collapse of the pros-

ecution; and it is much easier to show that Burr escaped through the connivance of the judge, or by the aid of the Federalists, who “affected to disbelieve in the conspiracy,” or through the apathy of the Republicans, who “had never been able to persuade themselves that the Union was really in danger,” than it is to admit the failure of the evidence. The logic of Marshall’s position was irresistible. If it was censorious and over-severe, the fundamental argument presented was not then, and has not been to this day, successfully refuted. The prosecution read out of it a deliberate expression of doubt as to Burr’s guilt, while Jefferson—whether from a sense of culpability (he had not ordered a full investigation of the plot till the Cabinet meeting of February 27th), or of resentment at Marshall’s seeming want of respect for a coördinate branch of the Government—replied with redoubled energy. He said plainly to Senator Giles, who had been foremost in the assault on the last stronghold of Federalism—the Judiciary—that the fight against this entrenched tyranny would not be relinquished and intimated that, if Burr escaped, Marshall should himself make answer to the nation.

“In what terms of decency can we speak of this? [He had already referred to Marshall’s “tricks to force trials before it is possible to collect the evidence.”]¹ As if an express could go to Natchez or the mouth of the Cumberland and return in five weeks, to do which has never taken less than twelve! . . . But all the principles of law are to be perverted which would bear on the favorite offenders who endeavor to overturn this odious republic!

¹Jefferson to Giles, April 20, 1807; Jefferson MSS.

. . . The nation will judge both the offender and the judges for themselves. If a member of the Executive or Legislature does wrong, the day is never far distant when the people will remove him. They will see then and amend the error in our Constitution which makes any branch independent of the nation. . . . If their protection of Burr produces this amendment, it will do more good than his condemnation would have done; . . . and if his punishment can be commuted now for a useful amendment of the Constitution, I shall rejoice in it.”

The ultimate consequences might be this or that, but the first consideration to Jefferson was to secure the conviction of Burr. To that end both he and his subordinates toiled. Rodney, operating from Washington, sent printed circulars to hamlet and countryside, inciting “every good citizen to step forward, and communicate to the government any information he may possess which may contribute to the general welfare.” A deputy marshal and special messenger were dispatched to Wood County to take depositions and to summon all the witnesses at and near Blennerhassett’s island; while both Madison and Rodney wrote Andrew Jackson in April, hoping to have depositions sent on from that quarter which would enable them to commit Burr for treason.¹

Meanwhile Wilkinson, in New Orleans—busy as late as April suppressing the still surviving conspiracy, witness his letter to Jefferson—found time to send a number of agents into Mississippi and elsewhere to collect the fragments of evidence. He continually stimulated the President’s hopes by writing that he would be

¹Rodney to Jefferson, April 10, 1807; also May 6, 1807; Jefferson MSS.

able to bring undoubted proof of Burr's guilt. March 27th he said that he expected to prove that Burr had sunk his own ordnance boat—the commander of which he hoped to capture—in the river at Bayou Pierre, and that Burr had seduced Sergeant Dunbaugh (whom he should soon have in his hands) to desert the service. Besides these Wilkinson hoped to secure one Motley who had ridden with Burr during September and October, and who knew his correspondence and designs.¹ Again, April 3d, the General wrote on the subject of his search for witnesses: "I shall persevere until I have obtained some more important testimony from two or three of Burr's confidentials."² This sounds very unlike the man Mr. Adams assures us meant "to close his eyes against evidence that could compromise any citizen" of New Orleans.³

The excitement occasioned by the appearance of the expedition on the Mississippi had scarcely begun to subside when Jefferson's hatred and jealousy of the opposing political party became still more extreme. This was in part due to the fact that he identified the Federalists with Burr's friends; and he not only believed them to be Burr's sympathizers, but his active partisans as well. He had forgotten that the first attack on Burr, disorderly and unjustified though it was, had been made by the leaders of that faith in Kentucky. "The Federalists have so decidedly made common cause with Burr," he objected to Gallatin,⁴ "that if you send a Federalist

¹Wilkinson to Jefferson, March 27, 1807; Letters in Relation.

²Wilkinson to Jefferson, April 3, 1807; Jefferson MSS.

³*History of the United States*, iii., 321.

⁴Jefferson to Gallatin, March 13, 1807; Jefferson MSS.

or a Burrite to the Orleans Territory I consider it the same thing." Writing a few days afterwards to George Morgan, of Morganza, the President gave expression to his distrust of Marshall and his party:¹—

"Burr is on his way to Richmond for trial, and if the judges do not discharge him before it is possible to collect the testimony from Maine to New Orleans, there can be no doubt where his history will end. To what degree punishment of his adherents shall be extended, will be decided when we shall have collected all the evidence, and seen who were cordially guilty. The Federalists appear to make Burr's cause their own, and spare no efforts to screen his adherents. Their great mortification is at the failure of his plans."

The gleam of satisfaction in the phrase that "there can be no doubt where his history will end" was suddenly overclouded by the shadow of Federalism. There can be no denying the fact that Jefferson thought the Federalists capable of shielding traitors; that he believed, incorruptible as the great body of the party might be, disloyalty and disunion were their actuating principles. We know this opinion to have been extreme, but there was indeed a numerically small but powerful contingent which would have applauded the consummation of such a programme as Burr's was declared to be. There was probably, too, in Jefferson's madness a purpose—no less a one than to bring the party of the opposition into final disruption by tainting it with treason. Such inoculation must have proven fatal. It was one of Jefferson's ambitions to witness in his time the general acceptance by the American people of

¹Jefferson to George Morgan, March 26, 1807; Jefferson MSS.

the political principles he professed; and that could never be until the defiant opposition was trampled under in the pell-mell of universal Democratic triumph.

Jefferson has left us some curious records concerning his opinion of the conspiracy. In a letter to James Bowdoin, then minister to Spain, after discussing our relations with that power, he admitted what Randolph was avowing in the House—that the hand of the Don was hidden in the Western intrigue:¹—

“Never did a nation act towards another with more perfidy and injustice than Spain has constantly practiced against us; and if we have kept our hands off her till now, it has been purely out of respect to France, and from the value we set on the friendship of France. We expect, therefore, from the friendship of the Emperor that he will either compel Spain to do us justice, or abandon her to us. We ask but one month to be in possession of the City of Mexico. No better proof of the good faith of the United States could have been given than the vigor with which we have acted and the expense incurred in suppressing the enterprise meditated lately by Burr against Mexico, although at first he proposed a separation of the western country, and on that ground received encouragement and aid from Yrujo, according to the usual spirit of his government towards us, yet he very early saw that the fidelity of the western country was not to be shaken and turned himself wholly toward Mexico, and so popular is an enterprise on that country in this, that we had only to lie still and he would have had followers enough to have been in the City of Mexico in six weeks.”

This confession was as unexpected as it was extraordinary. It would have been extremely interesting to have had Jefferson point out the moment when Burr “turned himself wholly toward Mexico.” Perhaps he

¹Jefferson to Bowdoin, April 2, 1807; Jefferson MSS.

would have had a more difficult task in reconciling his own opinion of Burr's talents as an intriguer and the unpardonable blunder of failing to discover, till the eleventh hour, that the frontiersmen were ardent patriots. "To lie still" and leave Mexico to the mercies of the filibusters of the West would have been as easy as closing his eyes when the *Leander*, commanded by Miranda and manned by revolutionists, sailed from the port of New York. Had the President planned to lie still? It seems in truth most probable. It was the cry of treason that roused him. Jefferson never maintained for any great length of time the same view of the so-called conspiracy. A few weeks after the above dispatch he wrote another equally remarkable.

"Burr's conspiracy," he wrote Dupont de Nemours,¹ "has been one of the most flagitious of which history will ever furnish an example. He has combined the objects of separating the western states from us, of adding Mexico to them, and of placing himself at their head. But he who could expect to effect such objects by the aid of American citizens, must be perfectly ripe for bedlam. . . . He had probably induced near a thousand men to engage with him by making them believe the government connived at it. . . . A proclamation alone, by undeceiving them, so completely disarmed him that he had not above thirty men left, ready to go all lengths with him. The first enterprise was to have been the seizure of New Orleans, which he supposed would powerfully bridle the country above, and place him at the door of Mexico. It has given me infinite satisfaction that not a single native Creole of Louisiana, and but one American settled there before the delivery of the country to us, were in his interest. His partisans there were made up of fugitives from justice or from their debts who flocked there from other

¹Jefferson to Dupont de Nemours, July 14, 1807; Jefferson MSS.

parts of the United States after the delivery of the country, and the adventurers and speculators of all descriptions."

That a clever impostor might enlist a thousand Westerners to aid in the establishment of an empire stretching from the Alleghanies to the Sierra Madre Mountains by informing them that the Government connived at the scheme seemed to Jefferson a feat easy of accomplishment, so shorn were they of all affiliations social and political. But the Proclamation changed everything as at the stroke of a magic wand. There is grievous blundering somewhere. Either Burr engaged his followers with the specific object of invading Mexico, which the Government would not oppose, or else he was indeed a fit subject for bedlam along with the thousand irresponsibles reclaimed by the Proclamation. The statement that none of the Creoles were in Burr's interest places him strangely at variance with most of those who have written of the conspiracy. That Wilkinson and Claiborne should also have come in the spring of 1807 to believe the Creoles the most faithful of the inhabitants of Louisiana was an admission of tremendous import; an admission which for selfish reasons they had long refrained from making.

Finally, May 22d, the day for the trial arrived, and Richmond was full of strangers. Some were attracted by the fame of the accused; others by the notoriety of the cause, while many appeared as witnesses in response to the summons of the Government. One of these was Commodore Truxton, who was not to be intimidated by the Government; another was William Eaton, the

vaunted hero of Derne, and State witness second in importance to Wilkinson only; there were the Morgans, from Morganza, whom the President credited with having given the first notice of the plot, and to whom he had said, "You have deserved well of your country."¹ Thither came Colonel De Pestre, friend and ally of Burr, whose honor the Government attempted to buy; Bollman, distinguished for his services to La Fayette; and William Duane, editor of the *Aurora*, ruler of the politics of Pennsylvania and would-be briber of Blennerhassett; and Washington Irving, then first attracting notice in the field of letters. Likewise came Alston, who had been ready to repudiate his father-in-law when he was first accused of treason; and Giles, leader of the Republicans in the Senate; and John Randolph of Roanoke, the brilliant, eccentric leader of the Quids in the House. At the summons of the Government, Andrew Jackson had made his way from Tennessee to Richmond, where he became at once outspoken in his denunciations of Wilkinson and the President.² Smith and Dayton moved around the circle of associates, indifferent as to what action the grand jury might take. There was also Graham, who had tracked Burr from the national Capital to the town of Washington in Mississippi, and who was obliged in the end to confess that Burr's design, in the view of the people, was simply against Mexico. Lastly, Theodosia, the devoted daughter, lent her graces to the friends of her father, who were the rulers of Richmond.

¹Jefferson to George Morgan, March 26, 1807; Jefferson MSS.

²Parton's *Burr*, ii., 107. Hay to Jefferson, June 24, 1807; Jefferson MSS.

At half-past twelve o'clock, May 22, 1807, the court convened, with Chief-Justice Marshall and Cyrus Griffin on the bench. Perhaps the country has never seen another such array of learning and legal talent as that which gathered within the Virginia House of Burgesses. First of all was John Marshall, calm, deliberate, and fearless. "The Chief-Justice, in his fifty-second year (one year older than the prisoner)," to use the language of Parton, "was a tall, slender man, with a majestic head, without one gray hair, with eyes the finest ever seen, except Burr's, large, black, and brilliant beyond description. It was often remarked during the trial, that two such pairs of eyes had never looked into one another before."

The accused was surrounded by the foremost lawyers of the time: Edmund Randolph, delegate to the Philadelphia Constitutional Convention, and Attorney-General and Secretary of State in the Cabinet of President Washington; John Wickham, who was regarded as the ablest lawyer at the Richmond bar, possessing "wit, sarcasm, eloquence, a fine presence and a persuasive manner"; Benjamin Botts, also of Virginia, keen-witted, aggressive, and hardly inferior in ability to his associates; "Jack" Baker, who seems to have been engaged on account of his knowledge of Virginia jurymen; Charles Lee, sometime Attorney-General for Maryland—a man of fine mental gifts; and Luther Martin, the "Thersites of the law," who, in legal learning, towered head and shoulders above those around him, the first lawyer of his time. Jefferson called him "Federal bulldog," and Martin, in his bitterness and

enthusiasm, proclaimed the President ruthless and tyrannical in having loosed the "hell-hounds of persecution" against Burr. Once before, in the impeachment proceedings against Justice Chase, Martin had met the President in open field, and he was resolved that this time the victory should be no less complete.

On the side of the prosecution there appeared no such strength. Cæsar A. Rodney, who succeeded to the post of Attorney-General a month after the death of John Breckenridge of Kentucky, was a lawyer of ordinary talents. Realizing the hopelessness of the situation, or fearing to measure strength with the opposition, he left Richmond after the preliminaries and never returned. The brunt of the battle fell upon the district-attorney, George Hay, son-in-law to James Monroe, who was both willing and competent, and who was aided by frequent suggestions from Jefferson in the conduct of the case. The President, too, in order to strengthen the prosecution, resorted to the expedient of bringing other attorneys into the case at the Government's expense. William Wirt, whose name is associated with America's foremost orators, was invited to assist. The third counsel for the prosecution was Alexander McRae, Lieutenant-Governor of Virginia, who was less adroit, less able than his colleagues. Such being the list of counsel engaged, it was at once apparent that the defense, not to rate the force of Burr who in a large measure directed his own case, far outclassed the representatives of the Government, both in point of legal learning and strategic skill.

The depth of public feeling and general belief in

Burr's guilt disclosed itself in the first proceedings of the trial—the selection of a grand jury. There was scarcely one of the panel who had not made up his mind. The President's Proclamation, with the depositions of Eaton and Wilkinson, had caused them to prejudge the case—most of them readily confessing it—and it was noticeable that a majority of the jurors summoned by the marshal were strong supporters of the Administration—so noticeable indeed that it could not have happened by chance. At last, however, the jury was sworn and John Randolph appointed foreman. But no indictment could be returned until General Wilkinson had arrived from New Orleans. Thus the public inquisitors were compelled to adjourn from day to day and from week to week awaiting the arrival of the hero from the South, who seemed to care little when the trial began, or what inconveniences his tardiness occasioned, so long as he could bring with him the witnesses he had promised Jefferson. Twenty-four days after the opening of the court he finally made his appearance.

Meanwhile Marshall had not been idle. Hay had moved the commitment of Burr on the charge of treason, alleging that the approach of Wilkinson might put him to flight. "On his examination," said the prosecutor, "there was no evidence of an overt act, and he was committed for a misdemeanor only. The evidence is different now." The defense immediately grappled with the problem, which was clearly to restrict the latitude of the Government's action, to prevent a premature disclosure of the testimony. To commit

Burr for treason would involve the examination of witnesses *viva voce*, and the order of the examination precipitated the question which became the chief contention of the counsel: What testimony was admissible? It was in this connection that the definition of the crime of high treason under the Constitution was elaborated—the definition which is still held by the courts.

“In England,” declared Botts, “where conspiring the death of the King was treason, the *quo animo* formed the essence of the offense; but in America the national convention has confined treason to the act. We cannot have a constructive war within the meaning of the Constitution. An intention to levy war is not evidence that war was levied.”

The contention of the defense was that to *establish* the crime of high treason it must first be proved that a war consisting of *acts* had transpired; secondly, that an *overt* act of treason had been committed in the war; thirdly, that the *accused* committed an overt (not a covert) act in the war—to which two witnesses must testify—and within the district in which the trial is ordered. Marshall declared this interpretation to be correct; and the whole scheme of the prosecution was undone. Hay and Jefferson were both perplexed and enraged and made but a feeble attempt to prove that an act of war—which was only the first of several steps—had been committed on Blennerhassett’s island the night of December 10, 1806. Hay realized the futility of his efforts to commit on the charge of treason, and was only too glad to escape further mortification in

ending the matter by Burr's voluntary doubling of his bond.

A counter-move had been made meanwhile by the defendant. This was a motion for a *subpoena duces tecum* to be directed to the President who had in his possession, it was alleged, certain letters from Wilkinson which were deemed material to the defense. Burr had, on a visit to Washington, made a personal request for copies of the General's letter of October 21, 1806, and of the orders which had been issued to the army and navy concerning himself—and had been refused. Would a *subpoena duces tecum* produce a better result? Had it been a part of the programme of the defense to throw odium on the Executive no more ingenious method could have been devised. Abundant opportunity was offered for declamation against the despotism of the Government and against the persecution to which Burr had been subjected.

"All that we want is the copies of some papers," burst out Luther Martin, "and the original of another. This is a peculiar case, sir. The President has undertaken to prejudge my client by declaring that 'of his guilt there can be no doubt.' He has assumed the knowledge of the Supreme Being himself, and pretended to search the heart of my highly respected friend. He has proclaimed him a traitor in the face of that country which has rewarded him. He has let slip the dogs of war, the hell-hounds of persecution, to hunt down my friend. And would this President of the United States, who has raised all this absurd clamor, pretend to keep back the papers which are wanted for this trial, where life itself is at stake? It is a sacred principle, that in all such cases, the accused has the right to all the evidence which is necessary for his defense."

If this arraignment was unnecessarily severe, the justice of the central theme could scarcely be questioned. Nor did the gentlemen of the prosecution attempt it. On the other hand, they were as ready to undertake the defense of the President as Martin had been to assail him. What is more, they were as bold to assert the guilt of Burr as ever Jefferson had been. "Before the gentlemen arraign the Administration," retorted Wirt, "let them clear the skirts of their client. Let them prove his innocence."

Wirt unconsciously expressed the real situation—Burr was on trial to show that the warp and woof of his garment were spotless; and many another before him, and after, has been likewise compelled. Innocent till proven guilty is a principle of our jurisprudence of which we sometimes boast when complaining of the legal procedure of other lands. That a letter might aid in making a defense—a claim we know to have been well founded—failed to appeal to the President; he was already certain that the traitor had too long enjoyed repose and immunity. But if Jefferson chose not to yield up the correspondence, what might not the law impose? And Marshall decided June 13th, after several days of argument, that the subpoena might issue.

"If, upon any principle," ran the heart of the opinion, "the President could be construed to stand exempt from the general provisions of the Constitution, it would be because his duties as chief magistrate demand his whole time for national objects. But it is apparent that this demand is not unremitting; and if it should exist at the time when his attendance on a court is required, it would be sworn on the return of the subpoena, and would rather

constitute a reason for not obeying the process of the court than a reason against its being issued. . . . It cannot be denied that to issue a subpoena to a person filling the exalted station of the chief magistrate is a duty which would be dispensed with much more cheerfully than it would be performed; but if it be a duty, the court can have no choice in the case."

There was no answer to this argument, and yet Jefferson—lashed into a violent rage by Martin's criticisms of his conduct in the trial of Smith and Ogden in New York for complicity with Miranda, the Cabinet having been instructed to disregard the summons of the court, and by Marshall's decision which drew a line between Jefferson the Executive and Jefferson the citizen—essayed a reply:

"The leading feature of our Constitution," he said fretfully to Hay,¹ "is the independence of the Legislative, Executive, and Judiciary of each other; and none are more jealous of this than the Judiciary. But would the Executive be independent of the Judiciary if he were subject to the *commands* of the latter, and to imprisonment for disobedience; if the smaller courts could bandy him from pillar to post, keep him constantly trudging from north to south and east and west, and withdraw him entirely from his executive duties?"

Taking everything into account, Jefferson's position was unassailable, but he had gone wide of the Chief-Justice's line of argument; Jefferson knew that the Chief Executive had no prerogatives which absolved him from the obligations of citizenship. The long and short of the matter was that he meant to exclude the General's correspondence from the trial. Had the dispatch of October 21st been produced, it might have

¹Jefferson to Hay; Jefferson MSS.

served as a prelude for the rendering of the whole of Wilkinson's discordant letters, which neither the powers of the President nor the genius of the General could have made to harmonize. That Jefferson, who denied the letters under the pretext of their confidential nature, deliberately violated the law which had found its development in the long struggle for personal liberty, it would be unfair to assume; but his conscience in this instance was easily satisfied. Years afterwards he wrote to John Adams, his old adversary, "We have, willingly, done injury to no man."¹ Some of those interested in the trial at Richmond might have taken issue with the avowal. However, holding such an estimate of the rectitude of his conduct, he was excusable if his human instinct for retaliation came into play when Luther Martin, referring to the denial of the letters, inveighed that the author of the Declaration of Independence and believer in the doctrine that the world was too much governed was playing tyrant in a way not unworthy of King George himself. The charge drove Jefferson into gusts of passion. Fearful of the waxing strength of the Judiciary, he meant to defy to the utmost the decrees of the court; if it came to that he would meet force with force, and while awaiting developments he gave private notice that if Marshall planned, by his odious measures, to precipitate a contest between the two departments of the Government, he should be notified by express.² It was one thing to decide that a *subpoena duces tecum* might issue and quite another to

¹*Works*, vii., 154.

²Jefferson to [Hay? No date]; Jefferson MSS.

see the writ enforced. Marshall realized that civil war would be the final outcome—and the matter was quietly dropped. Another prerogative was thereby added to the Presidential Office. To defy Marshall, however, was easier than to stay the right of free speech; and while this was preserved an enemy more to be dreaded than a *posse comitatus* continued his stinging attacks.

Luther Martin was that enemy. Of Jefferson he asked no quarter and gave none—"My head or yours," in the legend of the Orient, might have been the challenge—for Burr's cause was Martin's. Jefferson read out of this ardent friendship a community of interest embracing misprision of treason.

"Shall we move to commit Luther Martin," wrote Jefferson to Hay, "as *particeps criminis* with Burr? Graybell will fix upon him misprision of treason at least. And at any rate his evidence will put down this unprincipled and impudent Federal bulldog, and add another proof that the most clamorous defenders of Burr are all his accomplices."¹

Nothing more was heard of Graybell, but Martin bated never a whit of his ardor; and the arrival of Wilkinson at this juncture introduced an element of much greater interest into the case, and the side quarrel was forgotten. June 15th the General appeared in Richmond. For almost a month the grand jury had been awaiting his arrival. It was therefore apparent that upon him the prosecution leaned its weight.

"Mr. Hay tells us," declared Edmund Randolph in debate, "that everything depends upon this same James Wilkinson; that he is in reality the *alpha* and *omega* of the present prosecution. He is in short, to support the

¹Jefferson to Hay, June 19, 1807; *Works*, v., 98.

sing-song and the ballads of treason and conspiracy, which we have heard delivered from one extremity of the continent to the other."

Wilkinson had only begun his narrative before the jurymen when, June 17th, he dispatched to the President a letter which was not only an appeal for help, but an irrepressible outcry against a Nemesis which threatened to sweep him and his plots into oblivion. It was characteristic of the man—whose agent had just returned empty-handed from Mexico, and who had come to Richmond with witnesses under military duress—to explain to Jefferson that he had devoted most of the time since his arrival to the 'vindication of his own fame' rather than to the "crimination of the abandoned wretch who had dared to implicate it."¹

"I dreamt not of the importance attached to my presence," he continued, "before I reached Hampton, . . . for I had anticipated that a deluge of testimony would have been poured forth from all quarters to overwhelm him [Burr] with guilt and dishonor. Sadly, indeed, was I mistaken, and to my astonishment I found the traitor vindicated and myself condemned by a mass of wealth, character, influence, and talents.—Merciful God, what a spectacle did I behold—integrity and truth perverted and trampled under foot by turpitude and guilt, patriotism appalled and usurpation triumphant. Did I ever expect it would depend on my humble self to stop the current of such a polluted stream? Never, never."

In the whole annals of the conspiracy there is nothing quite as becoming, as apropos to the situation, as Wilkinson's pose of injured hero. That he was much disturbed at the paucity of the evidence is likely;

¹Wilkinson to Jefferson, June 17, 1807; Letters in Relation.

but he was conscious that for seven months he had left nothing undone to contribute his quota to the "deluge." The same letter contained a succinct account of his advent into court, and of his meeting with Burr:

"I was introduced to a position within the bar very near my adversary. I saluted the bench and in spite of myself my eyes darted a flash of indignation at the little traitor, on whom they continued fixed until I was called to the Book;—here, sir, I found my expectations verified—this lion-hearted, eagle-eyed Hero, jerking under the weight of conscious guilt, with haggard eyes in an effort to meet the indignant salutation of outraged honor; but it was in vain, his audacity failed him. He averted his face, grew pale, and affected passion to conceal his perturbation."

Washington Irving, who was an eye-witness, has also left us an account of this incident:

"Wilkinson strutted into court, and took his stand in a parallel line with Burr on his right hand. Here he stood for a moment swelling like a turkey-cock, and bracing himself up for the encounter of Burr's eye. The latter did not take any notice of him until the judge directed the clerk to swear General Wilkinson; at the mention of the name Burr turned his head, looked him full in the face with one of his piercing regards, swept his eye over his whole person from head to foot, as if to scan its dimensions, and then coolly resumed his former position, and went on conversing with his counsel as tranquilly as ever. The whole look was over in an instant; but it was an admirable one. There was no appearance of study or constraint in it; no affectation of disdain or defiance; a slight expression of contempt played over his countenance."¹

There can be no hesitation in saying which is the truer picture. Wilkinson's letter was remarkably diplomatic, and, though displaying villainy in every

¹*Life and Letters of Washington Irving*, i., 194.

line, worked its purpose with Jefferson. The plaintive tone appealed to the President and he hastened with his sympathy and encouragement.

"Your enemies," he returned promptly,¹ "have filled the public ear with slanders and your mind with trouble on that account. The establishment of their guilt will let the world see what they ought to think of their clamors; it will dissipate the doubts of those who doubted for want of knowledge, and will place you on higher ground in the public estimate and public confidence. No one is more sensible than myself of the injustice which has been aimed at you. Accept, I pray you, my salutations and assurances of respect and esteem."

Sincerity pervaded every line of this letter; and, since he thought Wilkinson honest, he regarded all those who antagonized him as sympathizers with the conspirators. They were to be rebuked by the conviction of Burr. Three months before this, however, it had been determined that Wilkinson was to be sustained. When Major Bruff reached Washington in March, 1807, Dearborn heard Wilkinson accused of being a spy of Spain and of having been in league with Burr; but the Secretary, who knew that Bruff and the General had been quarreling for more than a year, filing charges and counter-charges against each other, informed Bruff that Wilkinson had restored his waning reputation by the energy displayed in the defense of New Orleans, and that the President would not desert him—at some later time an inquiry might be ordered. The Attorney-General stated the situation more pointedly. He asked Bruff, "What would be the

¹Jefferson to Wilkinson, June 21, 1807; Jefferson MSS.

result if all" the charges against General Wilkinson "should be proven? Why, just what the Federalists and the enemies of the present Administration wish—it would turn the indignation of the people from Burr on Wilkinson; Burr would escape, and Wilkinson take his place." ¹

Scarcely had the General had time to take comfort from the President's letter of June 21st when the defense prayed for an attachment against him for contempt of court.

"The charge against General Wilkinson was," to use Randolph's language, "that he had, in conjunction with others, used unlawful and oppressive means, under color and in abuse of the process of this court, to bring James Knox and Chandler Lindsley from New Orleans to this city; and thus had obstructed the free course of testimony, and the fair and regular administration of justice."

The twenty-fourth of June, while a heated debate over the question of the attachment was in progress, the grand jury filed in and reported two indictments against Aaron Burr—one for misdemeanor, the other for treason. Similar indictments were returned against Blennerhassett. Wilkinson had done part of the work necessary to save his official head; but he had accomplished it at extreme peril, narrowly escaping indictment himself. John Randolph, his vindictive enemy and foreman of the grand jury, has left us an interesting record of Wilkinson's appearance before that body. He said in a letter to Nicholson: ² "Under examination all was confusion of language and of looks.

¹*Annals of Congress*, 1807-08, p. 600.

²Adams, iii., 457.

Such a countenance never did I behold; there was scarcely a variance of opinion among us as to his guilt." Had Wilkinson read this account, his challenge of Randolph to a duel would scarcely have been delayed until December; and Randolph would have written earlier the very excuse Wilkinson himself had offered Swartwout when invited by the latter to settle their disputes on the field of honor: "In you, sir," said Randolph, "I can recognize no right to hold me accountable for my public or private opinion of your character, . . . I cannot descend to your level."¹

In another letter Randolph went more into detail, telling of the labors of the grand jury and stating more emphatically his opinion of the General:

"Yesterday the grand jury found bills for treason and misdemeanor against Burr and Blennerhassett *una voce*, and this day presented Jonathan Dayton, ex-senator John Smith of Ohio, Comfort Tyler, Israel Smith of New York, and Davis Floyd of Indiana, for treason; but the mammoth of iniquity escaped,—not that any man pretended to think him innocent, but upon certain wire-drawn distinctions that I will not pester you with. Wilkinson is the only man that I ever saw who was from the bark to the very core a villain. The proof is unquestionable; but, my good friend, I cannot enter upon it here. Suffice it to say that I have seen it, and that it is not susceptible of misconstruction. Burr supported himself with great fortitude. He was last night lodged in the common jail (we have no State prison except for convicts), where I dare say he slept sounder than I did. Perhaps you never saw human nature in so degraded a situation as in the person of Wilkinson before the grand jury; and yet this man stands on the very summit and pinnacle of Executive favor, while James Monroe is denounced."²

¹*Political Pamphlets*, vol. cv.; Library of Congress.

²Adams, iii., 457.

Randolph's estimate of Wilkinson's character has been conspicuously borne out by history, and further attests the penetrative genius of the statesman of Roanoke. Although he failed to secure an indictment against the General, those who knew the tenacity with which he pursued his ends could not but expect another struggle—and they were not disappointed. The streets of the capital of Virginia were scarcely abandoned by the crowd—it was the last day of 1807—when Randolph arose in Congress, read a number of documents bearing on Wilkinson's early relations with the Spaniards, and offered the following Resolution:

“Resolved, That the President of the United States be requested to cause an inquiry to be instituted into the conduct of Brigadier-General Wilkinson, commander-in-chief of the armies of the United States, in relation to his having, at any time, while in the service of the United States, corruptly received money from the government of Spain or its agents.”¹

From the first it was Randolph's purpose to show that Wilkinson, for a long period of years, had been playing a double rôle—that he had not only been once in league with Baron de Carondelet in the Spanish Conspiracy, but that he still preserved that connection; that he had been a coadjutor of Burr in a plot which embraced the vital principle of the older treason, while posing before the world as an ardent, maligned patriot. In his anxiety to incriminate Jefferson with the man whom he considered a double traitor, Randolph went headlong to his own political ruin. It is probable indeed

¹*Annals of Congress*, 1807-08, p. 1261.

that he sought more to prevent the succession of Madison than to punish Wilkinson; in either case the end sought was the same—a Spanish war, which would mean the overthrow of his political adversaries, who had so long procrastinated. He would compel the war by proving that James Wilkinson, General of the Army of the United States, had accepted money from Don Carlos to divide the Union by the Alleghanies. Does not the “Constitution enjoin,” queried Randolph, “that the persons holding authority under this Government should not accept of any present, even of a complimentary nature, from any foreign Prince or Power without the consent of Congress?” Another day, during the debate on his resolution, in reply to the question, whether there was not a motion before the grand jury to find a bill against General Wilkinson, Randolph said reminiscently that “There was before the grand jury a motion to present General Wilkinson for misprision of treason”; that he had escaped on a “legal exception or a fraud; but the jury was unanimous in the belief of the moral guilt of the party.”¹ The truth was the General had been saved by those of the jury who realized what the prosecution confessed, that if Burr was to be convicted it must be by Wilkinson’s testimony. He was therefore saved by a close vote—nine to seven, according to a member of the grand jury who subsequently (1811) testified before a committee of Congress, which body was still probing for the rottenness they believed to exist, but which defied their most searching investigations. For the leading State witness so narrowly to

¹*Annals of Congress*, 1807-08, p. 1397.

escape an indictment was a fate peculiarly surprising and melancholy. The failure of the attachment proceedings against the General brought him no consolation—shocked, he went again with falsehoods to Jefferson for relief.

“You are doubtless well advised of the proceedings here in the case of Burr,” he apologetically began; “to me they are incomprehensible as I am no jurist. The grand jury actually made an attempt to present me for suspicion of treason on the ground of having failed to report Dayton to you. I feel myself between Scylla and Charybdis. The jury would dishonor me for failing in my duty, and Burr and his conspirators for performing it.”¹

More than a year afterward he still complained of the arrows of outrageous fortune. To Simon de Herrera he wrote, October 12, 1808:

“It has ever been the lot of men in exalted station to be traduced by those who envy actions they cannot emulate; and it is equally true that the arrestation of a vicious career, and the prostration of sinister ambition, have always excited the most vindictive passions of the human breast. It is my misfortune that I should be able to illustrate these diabolical propensities in the infamous attempts made by the traitorous compeers and partisans of Burr, upon my fame and fortune; because the inclinations of my heart, the dictates of my honor, and the obligations of duty, compelled me to discomfit his vile complottings against the United States and the dominions of Spain.”²

Then he said that among a hundred other base calumnies it had been asserted that he had entered into a truce with the enemy on the Sabine and had received as compensation several mule-loads of dollars. “This is a

¹Wilkinson to Jefferson, June 29, 1807; Jefferson MSS.

²Wilkinson to Herrera, October 12, 1808; Jefferson MSS.

poor reward for having preserved the peace and protected the honor of my country, and for sparing the blood of innocent men." He appealed for a testimonial "to silence this base slander and to put its execrable authors to shame." But Captain Hughes, who had the honor to deliver the letter to the Colonel in San Antonio, returned unburdened with any written message.

Were we not acquainted with the inner workings of Wilkinson's manœuvres during this period, he would have our sympathy in this gloomy hour when it seemed his own misdeeds were about to overwhelm him. One is startled into admiration by the very audacity and *sang-froid* of the man. He who had sent Burling to Mexico could say to the President:¹—

"I know, sir, that I have saved this country from anarchy at least—and I believe that I have defeated the last hope of your personal and political enemies; these reflections passed to the amount of gratitude and patriotism, furnish an endless source of self applause and will soothe the pillow of death; and when the object ceases to be, the angry passions will slumber, candor and truth will resume their empire, and posterity will do justice to my name and service."

With phenomenal success Wilkinson played the part of the wronged and injured savior of his country, maintaining that the very people he had rescued were become his revilers.

As the time approached for the real work of the trial it was discovered by the Government that the case needed strengthening. As a last resort patronage and the pardoning power of the Executive were to be in-

¹Wilkinson to Jefferson, April 15, 1807; Letters in Relation.

voked. The latter weapon had been suggested by Wilkinson as early as February, when he had said to the President that by sending Tyler around he might be induced to give important testimony, provided he were given a pardon.¹ Upon the General's arrival in Richmond he informed Jefferson of De Pestre's presence and of his belief that De Pestre knew much which might be drawn from him by presenting him with a pardon the day he was examined.² The suggestion was not unheeded. The Government's agent "had the delicacy to insinuate how handsomely the colonel [De Pestre] might be provided for in the army, if his principles or engagements were not averse to the Administration."³ Jefferson was determined that at least one man should receive the full penalty of the law, and he was probably never in a more malicious frame of mind than when he said to Hay:

"Blank pardons are sent on to be filled up at your discretion, if you should find a defect of evidence, and believe that this would supply it, avoiding to give them to the gross offenders unless it be visible that the principal will otherwise escape."⁴

This fear that the "principal" would escape became so intense that the sane and benevolent Jefferson was driven to deeds he must have repented in his calmer hours. When Bollman had been released by the court he repaired to Washington to urge the President to countenance the expedition which Burr

¹Wilkinson to Jefferson, February 25, 1807; Jefferson MSS.

²Wilkinson to Jefferson, June 17, 1807; Jefferson MSS.

³*Blennerhassett Papers*, p. 328.

⁴Jefferson to Hay, May 20, 1807; Jefferson MSS.

had planned against Mexico, arguing that the best interests of the country would be served by a war with Spain. Jefferson requested Bollman to put his statements in writing, assuring him "that nothing he might say or acknowledge should be made use of against himself."¹ According to Bollman the President promised that the paper "should never go out of his hands."² Notwithstanding this pledge, the document was sent to Hay. "Even go so far as ask him," read the accompanying note of instructions,³ "if he had not said such and such to Madison and Jefferson." Finally, if Bollman, for whom a pardon had been enclosed, persisted, he was to be shown the MS. for the identification of which several of his letters were inclosed. He refused to accept the pardon and appealed to the grand jury to rescue him from disgrace.⁴ Jefferson's object in thrusting a pardon upon Bollman was to compel his testimony, for excuse could not then be found in the plea of self-incrimination. But Jefferson's tactics were extraordinary; to pardon an individual before he has pleaded guilty or been convicted was certainly an Executive innovation.

Burr never grasped the full significance of his trial. June 26th he had pleaded *not guilty* to the indictment for treason, and the court was adjourned until August 3d.

¹Madison's *Writings*, ii., 393.

²Bollman to Editor of the *Aurora*, July 16, 1807; *Orleans Gazette*, September 1, 1807.

³Jefferson to Hay, May 20, 1807; Jefferson MSS.

⁴Letter to grand jury, June 19, 1807; *Orleans Gazette*, August 19, 1807.

"The scenes which have passed," he wrote at the close of July to Theodosia, who was on her way to Richmond,¹ "and those about to be transacted will exceed all reasonable credulity, and will hereafter be deemed fables, unless attested by very high authority. I repeat, what has heretofore been written, that I should never invite any one, much less those so dear to me, to witness my disgrace. I may be immured in dungeons, chained, murdered in legal form, but I cannot be humiliated or disgraced. If absent you will suffer great solicitude. In my presence you will feel none, whatever may be the malice or the power of my enemies, and in both they abound."

From a gloomy view of things Burr had the faculty of turning with a light-heartedness that was at once an inspiration to his friends and a defiance to his enemies. Writing from the penitentiary to his daughter, he said, "I have a great desire to receive you all in this mansion. . . . Pray, therefore, drive directly out here. You may get admission at any time from four in the morning till ten at night." When they arrived, a few hours before the sitting of court, he apologized for their being introduced into his bed-chamber—his drawing-room, he said, was then deranged by the fitting up of his ice-house.²

August 3d the trial of Aaron Burr on the charge of treason began in earnest. The House of Burgesses, which is still one of the landmarks of Richmond, was filled to overflowing with sightseers and partisans when Burr, accompanied by Alston, walked into court. Prominent and outspoken as were some of Burr's adherents, his cause was irrevocably attainted in the public mind. This was forcibly illustrated in the

¹Parton's *Burr*, ii., 127.

²*Ibid.*, 130.

matter of selecting a jury—a labor which consumed two weeks. Even then the accused was obliged to accept men like Parker, who admitted that they were prejudiced against him. Out of the first venire of forty-eight men, four were chosen; out of the second, none; out of the third, eight.

It was apparent from the preliminary skirmishes that the fight would be made on the interpretation of the clause in the Constitution which declares that “Treason against the United States shall consist only in levying war against them”; and “That no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.” So when William Eaton, the first witness, took the stand, the defence urged the inadmissibility of evidence which did not go towards proving an overt act of war. The court held that in order to show that war had actually been levied, it was necessary to discover the design, and to prove the overt act by two witnesses. Eaton was therefore permitted to give his testimony, which was expected to reveal the projects entertained by Burr.

“During the winter of 1805-06,” said the hero of Derne, “(I cannot be positive as to the distinct point of time; yet during that winter), at the City of Washington, Aaron Burr signified to me that he was organizing a military expedition to be moved against the Spanish provinces on the southwestern frontiers of the United States: I understood under the authority of the general Government. . . . At several interviews, it appeared to be his intention to convince me by maps and other documents, of the feasibility of penetrating to Mexico. At length, from certain indistinct expressions and innuendoes, I admitted

a suspicion, that Colonel Burr had other projects. . . . [He] now laid open his project of revolutionizing the territory west of the Alleghany; establishing an independent empire there; New Orleans to be the capital, and he himself to be the chief; organizing a military force on the waters of the Mississippi, and carrying conquest to Mexico."

Besides these extensive plans the witness deposed that Burr had proposed to him the revolutionizing of the Central Government, after the fashion of Dayton's story to Yrujo. That Eaton had been three years pressing on Congress a somewhat doubtful claim for money expended in the War with Tripoli may not have turned a phrase in his deposition; but it is significant that a few weeks after its appearance \$10,000 were placed to his credit. Congress had been a long time in discovering that the Nation was really indebted to the officer who had once been convicted of peculation by court-martial. If the country was slow in appreciating the sacrifices of Eaton in the Barbary Wars, it was prompt in recognizing the value of his services at the crisis of the Conspiracy. He had the satisfaction of writing:¹—

"I have jeopardized my life and reputation to preserve the integrity of the Union: and (I hope to be forgiven), to this vigilance and fidelity, rather than to the movements on the Sabine or at New Orleans, our hero of Carter's Mountain owes his political if not his personal existence; for it was not until my public exposure had alarmed General Wilkinson in his camp, that he, though more than two years acquainted with the treasonable plot, thought of *betraying his fellow traitor, and becoming a patriot by turning State's evidence.*"

¹Prentiss's *Life of General Eaton*, p. 405.

Between Eaton and Wilkinson it would be difficult indeed to decide upon whose brow the palm for Spartan heroism should rest—both claimed to have saved the country. Through the notoriety won in the case Eaton was elected to Congress, but his biographer admits that “the acquittal of Burr . . . in some measure soured his mind, and the hope of promotion in the army, by gratifying the ruling administration, occasioned at times a considerable swerving from his convictions.”¹

Commodore Truxton was the second witness for the Government. In a letter to Alston he had stated in brief what he knew of Burr’s plans, and that he simply repeated:²—

“The intention of Mr. Burr, as has been stated, to sever the Union (a most diabolical project), was first suggested to me by Western newspapers. . . . But it is true Mr. Burr did tell me that in case of war between the United States and Spain, which he considered inevitable, he intended to attack Vera Cruz and Mexico, give liberty to an enslaved world, and establish an independent Government in Mexico; and invited me to take command of the expedition by sea.”

He added at the trial that Burr had expressly stated that his designs on Mexico were based on the contingency of war with Spain.

“I told him there would be no war. He was sanguine there would be war. He said, however, that if he was disappointed as to the event of war, he was about to com-

¹Ibid., 411.

²Truxton to Alston, February 4, 1807; *Orleans Gazette*, June 5, 1807.

plete a contract for a large quantity of land on the Washita; that he intended to invite his friends to settle it; that in one year he would have a thousand families of respectable and fashionable people, and some of them of considerable property: that it was a fine country, and that they would have a charming society, and in two years he would have double the number of settlers; and being on the frontier, he would be ready to move whenever a war took place."

The Morgans were next called; their testimony was in line with their letters to the President, which have been noted.¹ The climax of their evidence was the confession that more was to be inferred from the *manner* of Burr's speech than from what he actually said. Peter Taylor, Blennerhassett's gardener, also bore witness to the design. He said that the conspirators were going to take Mexico; that Burr was to be king and was to be succeeded at his death by his daughter; and that two thousand priests with their friends were ready to join an insurrection.

"I then asked [Blennerhassett]," said Taylor, "what was to become of the men who were going to settle the lands he talked about? Were they to stop at the Red River, or to go on? He said, 'O by God, I tell you, Peter, every man that will not conform to order and discipline, I will stab; you'll see how I'll fix them'; that when he got them far enough down the river, if they did not conform to order and discipline, he swore by God he'd stab them."

So much for the design. The prosecution now took up its witnesses to prove that an act of war had been committed. Dudley Woodbridge testified that he was on the island at the time specified in the indictment,

¹See p. 78.

but that he saw no unlawful assemblage of men. He added that Blennerhassett had told him that the expedition was intended for Mexico, and had solicited him to join. Jacob Allbright, an ignorant laborer, with Peter Taylor, became in the eyes of the defense, "a brace of swearers from Wood County." The testimony of both was open to serious question, while that of Allbright was discredited on cross-examination. He swore one thing on the stand and had made affidavit to something substantially different, narrating that on the night of the flight,

"a man by the name of Tupper laid his hands upon Blennerhassett, and said, 'Your body is in my hands, in the name of the Commonwealth.' Some such words as that he mentioned. When Tupper made that motion, there were seven or eight muskets leveled at him. Tupper looked about him and said, 'Gentlemen, I hope you will not do the like.' One of the gentlemen nearest, about two yards off, said, 'I'd as lieve as not.' Tupper then changed his speech, and said he wished him to escape safe down the river, and wished him luck."¹

This was the very act of levying war upon which the Government rested its case. Unfortunately, however, there was none other to confirm Allbright's vision; indeed, according to Blennerhassett, Tupper was present in Richmond and ready to pronounce the story unqualifiedly false. Wickham taunted the prosecution with fearing to examine Tupper, whom they had summoned. "Their not doing it," he said, "proves that they thought he would contradict Allbright."² Taylor—

¹Burr's *Trial*, i., 509.

²Burr's *Trial*, i., 594.

whose veracity would have been assailed by Dr. Bennett and others—Love, Poole, Belknap and Dana were also interrogated with a view to showing that war had been levied; but Allbright could not be reënforced. Thus August 20th, when Hay at length admitted that he had produced all the witnesses at his command to establish the fact of war, and attempted to introduce collateral testimony, Burr's counsel moved the arrestation of the evidence on the ground that no overt act, constituting treason under the Constitution, had been proven. This manœuvre had been threatened for several days; and the State denounced it as a deliberate attempt to throttle the investigation. But the motion was entertained.

Through a period of ten days the most remarkable legal encounter known in our history was waged, both sides contesting every inch of the ground; for the decision was vital—the prevailing of the motion meant the end of the trial for treason.

It was contended by the defense, first, that no overt act of war, as charged in the indictment, had been established. It was therefore the duty of the court to exclude further testimony concerning acts and deeds committed, or alleged to have been committed, beyond its jurisdiction. The second contention was "that no person can be convicted of treason in levying war, who was not personally present at the commission of the act, which is charged in the indictment as constituting the offense." The Constitution says plainly that "no person shall be convicted, unless on the testimony of two witnesses to the same overt act." It was admitted that Burr was in Kentucky at the time when it was

charged in the return of the grand jury that he had wrought treason on Blennerhassett's island "with divers persons unknown." Mr. Randolph therefore queried, "Whether, under the Constitution of the United States, a person who, it is admitted would be an accessory in felony, can be considered as a principal in treason in levying war." He maintained that Burr's arraignment must follow the conviction of a principal, since he was himself not present when the alleged act constituting treason was committed.

Hay, with his associates, angered at the presumption of the defense, feebly assailed these positions. According to the District-Attorney, "An assemblage of men convened for the purpose of effecting by force a treasonable object, and which force is meant to be employed before their dispersion, is an overt act of levying war against the United States." Although absent, it was held that Burr was present on the island at the specified time, in a legal sense; that he had procured and inspired the gathering, and that he was therefore, in reason, the principal. Consequently it would be a prostitution of the law to interfere with the course of the evidence, the "most important" being held in reserve. In the minds of the prosecution it would have been difficult to say whether the judge was more culpable for entertaining the motion, or the defense for pressing it.

Thus were the two sides arrayed; each busy with massing its arguments, which were directed chiefly to the analysis of legal principles, while John Marshall, whose marvelous sanity was never clouded, held the

scales of justice. Wickham opened the debate and won renown in a discussion of the nature of treason. Luther Martin, whom Blennerhassett termed the whole rear guard of Burr's forensic army, spoke fourteen hours, presenting a masterly argument, distinguished alike for its familiarity with English precedent and for its erudite knowledge of the law concerning treason. Such ardor and ability have rarely been combined; and Martin's interest in Burr's case was heightened because of the fascination cast over him by the beautiful Theodosia, to whom he referred touchingly in the opening of his great speech. McRae appeared to better advantage than hitherto, while Wirt rose to fame more enduring than he could have dreamed of in an oratorical effort depicting the characters of Burr and Blennerhassett: "Who Aaron Burr is we have seen in part already. . . . Who is Blennerhassett? A native of Ireland, a man of letters, who fled from the storms of his own country to find quiet in ours." Mr. Botts and Mr. Randolph both came in for a share of triumph. The District-Attorney argued well and skillfully, but, in the midst of the debate, purposely or otherwise, he assumed a threatening attitude toward the court, insinuating that for the rendering of an opinion substantially similar to the one desired by the defense—that is, "to wrest the decision from the jury, and prejudice the case before hearing all the evidence in it"—Justice Chase had been impeached. Charles Lee, who followed, at once retaliated:

"It was very kind in the gentleman to remind the court of the danger of a decision of the motion in favor of the

prisoner: a decision like that, which had already produced the impeachment of another judge. . . . It certainly would not be unfair to infer, that it was intended to show the same cause might again produce the same effect."¹

Hay protested that he had spoken inadvertently, and Marshall stated that he had not taken it as a personal allusion; but the fact remains that the matter was not therewith ended. That impeachment was a household word with Jefferson, that he meditated another trial at arms with the Federal judiciary was known to Marshall, who rode into the lists with a quiet dignity becoming the invincible knight. In the course of his opinion, which was pronounced August 31st, ran the lines:

"Much has been said in the course of the argument on points on which the Court feels no inclination to comment particularly, but which may perhaps not improperly receive some notice. That this Court dares not usurp power is most true; that this Court dares not shrink from its duty is not less true. No man is desirous of placing himself in a disagreeable situation; no man is desirous of becoming the peculiar subject of calumny; no man, might he let the bitter cup pass from him without self-reproach, would drain it to the bottom; but if he has no choice in the case,—if there is no alternative presented to him but a dereliction of duty or the opprobrium of those who are denominated the world,—he merits the contempt as well as the indignation of his country who can hesitate which to embrace."

After this simple defiance, Marshall in this, his longest opinion, which required three hours for the reading, reviewed the case in all its phases, examining

¹Burr's *Trial*, ii., 441.

elaborately the chief arguments of the counsel, with many citations from authorities. The paragraph which struck the earth from under the feet of the prosecution read as follows:¹—

“The present indictment charges the prisoner with levying war against the United States, and alleges an overt act of levying war. That overt act must be proved, according to the mandates of the Constitution and of the act of Congress, by two witnesses. It is not proved by a single witness. . . . The conclusion, that in this state of things no testimony can be admissible, is so inevitable that the counsel for the United States could not resist it. I do not understand them to deny that, if the overt act be not proved by two witnesses so as to be submitted to the jury, all other testimony must be irrelevant; because no other testimony can prove the act. . . . No testimony relative to the conduct or declarations of the prisoner elsewhere and subsequent to the transaction on Blennerhassett’s island can be admitted; because such testimony, being in its nature merely corroborative and incompetent to prove the overt act in itself, is irrelevant until there be proof of the overt act by two witnesses.”

To that argument there was no rejoinder. The next day, September 1st, the case was abandoned by the Government and the jury returned a verdict of “Not guilty.” Burr had at last escaped; but not, as we often find it stated, on a technicality. McMaster and others have said that he owed his deliverance to absence from Blennerhassett’s island at the time the overt act was committed. The statement is fundamentally erroneous. Primarily considered, Burr was acquitted because no overt act of levying war could be shown to have taken place. The overt act once established, Burr could have

¹Burr’s *Trial*, ii., 441.

been tried only after the conviction of Blennerhassett or of some one of those implicated in the act of war as specified in the indictment. On this point the court held:

“The legal guilt of the person who planned the assemblage on Blennerhassett’s island depends not simply on the criminality of the previous conspiracy, but on the criminality of that assemblage. If those who perpetrated the fact be not traitors, he who advised the fact cannot be a traitor. . . . The whole reason of the law then relative to the principal and accessory, so far as respects the order of trial, seems to apply in full force to a case of treason committed by one body of men in conspiracy with others who are absent.”

Burr had therefore effected a double escape—both positions of the defense had been upheld. Henceforth for America, treason against the State must consist of acts; the spirit of the Constitution opposed constructive treason; the spirit of the mass of Americans whose aims and struggles had made a Constitution possible was irrevocably against the Old World system which brought one’s head so easily to the block. That Jefferson should have gone into a violent passion at Marshall’s dictum must have astonished those who claimed to adhere to Republican principles, who still recalled the terrors of the Alien and Sedition laws and the tyrannies of the party responsible for them. That it was a decision in favor of the individual as against government none could question. One thing was obvious; the political axiom of the President, that the world was too much governed, had faded from his calendar; yet Jefferson, philosopher and statesman,

seems never to have realized the change, nor that the business of politics was one thing, and speculation on politics quite another.

The news of the acquittal of Burr sounded dismal enough in the ears of two men: Jefferson, who had superintended the gathering of the evidence, who had in part directed the prosecution, and whose reputation for sound judgment and upright principles, he seemed to think, depended on a conviction, since he had unqualifiedly assumed the guilt of Burr—and Wilkinson, who had pursued the conspirators with a venom born of his own corruption. It is not surprising, therefore, that they condoled with one another over the result.

“I know little of law and less of judiciary proceedings,” the General said to his protector,¹ “but common sense suggests that he has been hastily acquitted under certain refinements and subtleties of sentiment opposed to the claims of justice and apparently calculated to extinguish enquiry, to suppress truth, to prostitute the trial by jury, to render the court a dead letter, and to conceal the crimes of a traitor.”

A week later the President answered, in a passion which had almost consumed itself:²—

“The scenes which have been acted at Richmond are such as have never before been exhibited in any country, where all regard to public character has not yet been thrown off. They are equivalent to a proclamation of impunity to every traitorous combination which may be formed to destroy the Union.”

¹Wilkinson to Jefferson, September 13, 1807; Jefferson MSS.

²Jefferson to Wilkinson, September 20, 1807; Jefferson MSS.

The district-attorney also reported the news of the acquittal to headquarters, taking care to criticise Marshall, relating also that Wirt, who had all along "advocated the integrity of the Chief-Justice," now abandoned him. September 4th, in a passionate outburst, Jefferson replied:¹—

"The event has been what was evidently intended from the beginning of the trial, that is to say, not only to clear Burr, but to prevent the evidence from ever going before the world. But this latter case must not take place. It is now, therefore, more than ever indispensable that not a single witness be paid or permitted to depart until his testimony has been committed to writing. . . . These whole proceedings will be laid before Congress that they may decide, whether the defect has been in the evidence of guilt, or in the law, or in the application of the law. . . . This criminal is preserved to become the rallying point of all the disaffected and worthless of the United States, and to be the point on which all the intrigues and the conspiracies which foreign Governments may wish to disturb us with are to turn. If he is convicted of the misdemeanor, the judge must in decency give us respite by some short confinement of him; but we must expect it to be very short."

It was now resolved that Congress should investigate the affair. If impeachment was found to be the remedy, that should be invoked; if a constitutional amendment concerning the judiciary were deemed expedient, then that should be proposed. Already Jefferson had said in a letter to Rodney, "It is impossible Congress should not take up that subject." And October 1st he asked of Hay that the evidence be speedily sent in, so that it might be prepared against

¹Jefferson to Hay, September 4, 1807; Jefferson MSS.

the sitting of that body.¹ The matter was sent in; but the meditated struggle was somewhere forestalled; and it was well that it was so, for Wilkinson, the main reliance of the Government, was to be deserted even by Hay, who, in a letter to the President at the close of the trial, said frankly:²—

“The declaration which I made in court in his [Wilkinson’s] favor some time ago was precipitate; and though I have not retracted it, everybody sees that I have not attempted the task which I in fact promised to perform. My confidence in him is shaken, if not destroyed. I am sorry for it, on his own account, on the public account, and because you have expressed opinions in his favor; but you did not know then what you will soon know, and what I did not learn until after—long after—my declaration above mentioned.”

A week after the verdict in the treason case, while it was still uncertain what the next move should be, the President sent Hay the following advice:³—

“I am happy in having the benefit of Mr. Madison’s counsel on this occasion. He happens to be now with me. We are both strongly of opinion that the prosecution against Burr for misdemeanor should proceed at Richmond. If debated, it will heap coals of fire on the head of the judge; if convicted, it will give time to see whether a prosecution for treason against him can be instituted in any and what other court. But we are inclined to think it may be best to send Blennerhassett and Smith (Israel) to Kentucky to be tried both for treason and misdemeanor. The trial of Dayton for misdemeanor may as well go on at Richmond.”

¹Jefferson to Hay, October 1, 1807; Jefferson MSS.

²Hay to Jefferson, October 15, 1807; Jefferson MSS.

³Jefferson to Hay, September 7, 1807; Jefferson MSS.

Already the skirmishing had begun. For a few days Hay thought of sending the prisoner to Kentucky for trial on the treason charge. After a week's debate—during which time the matter of obtaining Wilkinson's letters of October 21st and November 12th from the President was revived with mutual recriminations—the court decided that the indictment for misdemeanor must be disposed of before the question of Burr's commitment for trial elsewhere could be entertained.

The indictment for misdemeanor had been framed under the fifth section of the Act of Congress of June 5, 1794, which provided that if any person shall, within the jurisdiction of the United States, begin or set on foot a military expedition against the territory of any foreign power with whom the United States are at peace, he shall be guilty of a high misdemeanor. Burr was charged with having begun such an enterprise against the dominions of the King of Spain, and here, indeed, it seemed as if he must be convicted. In order to escape the snare of treason it was almost necessary to entangle himself in the meshes of a high misdemeanor. Blennerhassett feared, and with reason, that the prosecution would put Burr upon a defense on the treason bill which would "nearly amount to a confession of the misdemeanor."

"I think this has actually happened," he wrote August 30th in his diary.¹ "Martin thought that because Burr alleges he expected war between Spain and the United States, his expedition was lawful. But may not a jury think Burr did not expect the war, and find their verdict then on the confession?"

¹*Blennerhassett Papers*, p. 379.

It is extremely unfortunate that the trial for treason was unseasonably cut short. That it would have been far better for the sake of truth and history had it continued and Burr been compelled to examine his witnesses cannot be denied. The conspirators, however, had not only the indictment for treason to fear, but that of misdemeanor as well; they were, therefore, to borrow General Wilkinson's expression, between Scylla and Charybdis, and rejoiced to be in a position to defeat the indictments, having no qualms of conscience and taking no heed what interpretation the future might put on their conduct. It would have been a spectacle of unusual interest, a dramatic climax, to have set Jackson against Wilkinson; Adair against Eaton; Harrison, Woodbridge, Truxton, and Alston against the Morgans, Peter Taylor, and Allbright.

It was not until September 9, 1807, that the jury in the misdemeanor case was sworn and the examination of witnesses begun. The prosecution submitted as evidence certain declarations of Blennerhassett which tended to implicate the defendant; also acts of the nature laid in the indictment committed by Burr in Ohio and Kentucky, but not in Wood County, Virginia. Third parties who had no part or parcel in the undertaking told of the schemes of the sometime Vice-President of the United States. The specific counts in the indictment—seven in number—were overlooked in the endeavor to exploit to an interested public more of the details of the conspiracy, and to “heap coals of fire on the head of the judge.” The defense finally objected to the introduction of such quantities of irrele-

vant matter, and the court sustained the objection; ruling, however:

"That any legal testimony which shows the expedition to be military, or to have been designed against the dominions of Spain, may be received.

"That any testimony showing that the accused performed within the district any one of the acts charged in the indictment may be received."

This opinion was delivered September 14th, and the ensuing day the prosecution, having no testimony of the character described, gave up the case, and a verdict of "Not guilty" was rendered. Wilkinson immediately sent a letter to the President bewailing the result, while, perhaps the same hour, Hay was renouncing his faith in the General.

"The disgraceful and dishonorable scenes," said Wilkinson dejectedly, though unabashed at the sinister part he had played and continued to play,¹ "which have been passing in review here are drawing to a close. Burr has just been acquitted on the trial for misdemeanor, and now a motion will be made for his transmittal for trial to Kentucky, which will go off the same way. The chief [Marshall] has stepped in too deep to retreat, and indeed, his enterprise and hardihood almost justify the suspicion that he has been a party to the conspiracy."

Then the General spoke of reforming the Federal courts. Out of the purity of his heart he thought it would be beneficial, if only for the purpose of ridding the nation of a "corrupt judge."

Jefferson, too, was seized with despair. "The scenes," he wrote William Thomson,² "which have

¹*Blennerhassett Papers*, p. 414.

²Jefferson to William Thomson, September 26, 1807; Jefferson MSS.

been acting at Richmond are sufficient to fill us with alarm. We supposed we possessed fixed laws to guard us equally against treason and oppression; but it now appears we have no law but the will of the judge."

Falling in with the train of accusation, the Attorney-General declared to the President that the prosecution had done well, but that it could not hope to struggle against wind and tide. Therefore, he suggested that Burr should be tried in Kentucky before a judge who had been appointed since the expulsion of the adventurers; in other words, before a court which would respond to Executive pressure. On the other hand, alluding to the people of Kentucky, Rodney declared that "they had acted without any regard to decency," which was an ungrateful insult as well as a frank admission that Burr was beyond pursuit.¹

Now, in effect, the charges against the conspirators were practically cancelled. Failing to convict Burr, *nolle prosequi* was entered against the names of his indicted associates. But Jefferson was not disposed to let the accused go in peace—he still thought that his own reputation had to be vindicated before Congress and the country. For even to laymen it might appear that he had pursued an *ignis fatuus* at great cost to the Government; that he had been over-credulous in believing and sustaining Wilkinson; or that his hatred of Burr had inspired a prosecution as relentless as it had been unjust. If there was yet evidence which had not been exploited, no witness should be allowed to depart until he had contributed his quota to the volume which

¹Rodney to Jefferson, October 1, 1807; Jefferson MSS.

was to be laid before Congress, and thenceforward preserved in the *Annals* of that body. But how could this be done under legal sanction?

A clever manœuvre by Hay gave the solution. By moving to send Burr first to Mississippi Territory for trial and then to Ohio, what evidence the Government possessed would be disclosed. All this was intended to contribute toward the overthrow of Marshall and his fellow judges. The President hoped, as has been noted, that the agitation would compel an amendment to the Constitution which would place the Federal Judiciary on the same basis with the other coördinate departments of government. If he failed in this, it was not for want of a mass of testimony concerning the nature of the conspiracy.

It is impossible here to indicate even the chief steps in the further proceedings against the associates. The published testimony would fill a volume in itself. It is sufficient to say that the prosecution was now permitted to produce their witnesses as they chose, nor was there any limit to the quality or quantity of their testimony. It was only at this stage that General Wilkinson succeeded in rendering his complete version of the plot—a labor of love which was soon to make its appearance in his *Aaron Burr Conspiracy Exposed*.

At length the last witness for the prosecution was dismissed, and October 20th Chief-Justice Marshall delivered an opinion on the motion for commitment, which eliminated once more the charge of treason.

“On comparing the testimony adduced by the United States with itself,” ran this last of a series of extraordi-

nary decisions, "this is observable. That which relates to treason indicates the general design, while that which relates to the misdemeanor points to the particular expedition which was actually commenced. Weighing the whole of this testimony, it appears to me to predominate in favor of the opinion that the enterprise was really designed against Mexico. . . . It is also a circumstance of considerable weight with me that the proof exhibited by the United States to establish a general design to dismember the Union, applies only to Colonel Burr and Mr. Blennerhassett. It is not proved to have been ever communicated even to Tyler and Floyd. There is not only a failure to prove that such a design was communicated to or undertaken by the men who were assembled at the mouth of Cumberland, but the contrary is in full evidence. The United States have adduced several witnesses belonging to that assemblage who concur in declaring that they heard nothing, that they suspected nothing, hostile to the United States. This testimony cannot be disregarded, for it is uncontradicted, and is offered by the prosecution. How can this assemblage be said to have levied war against the United States? . . . These men were not ready nor willing to strike, nor could their chief be ready to strike without them. . . . Believing, then, the weight of testimony to be in favor of the opinion that the real and direct object of the expedition was Mexico, . . . it would, in my judgment, be improper in me to commit the accused on the charge of treason. . . . I shall commit Aaron Burr and Harman Blennerhassett, for preparing and providing the means for a military expedition against the territories of a foreign prince, with whom the United States were at peace."

There was not a vestige of doubt in Marshall's mind as to the nature of the conspiracy. If treason had been contemplated, Burr and Blennerhassett had kept their secret well; as for the hardy, adventurous followers of the revolutionist, the conquest, of Mexico alone had lured them on. As Cortez with a handful of war-

rriors had brought the empire of the Aztecs to an end, so again, they thought, might that fabled land feel the tramp of armies and witness the expiring throes of another empire far more deserving of extinction than the first.

There seems to be not the slightest doubt that Aaron Burr and his followers were all guilty of high misdemeanor—that alone. Such an opinion has everything to sustain it. That they escaped punishment in the end was due to a slight reaction in their favor and to the fact that society was palled with the subject of the conspiracy, while ever more persistent became the encroachments of the European powers. When the circuit court of Ohio convened at Chillicothe, January 4, 1808, neither Burr nor Blennerhassett—both under bond—appeared. Once more indictments were returned; but with that the prosecutions of the filibusters were ended. However, the American nation had tried the case and, on the testimony of Jefferson, Eaton, and Wilkinson, had passed judgment, not without dissent it is true, but the verdict of treason was irrevocable. Henceforth, vituperation and persecution were to be meted out with a lavishness commensurate with the enormity of the crime. Although Jefferson was loath to abandon the prosecution, he realized the futility of his efforts to bring about a conviction, and so he let the matter rest. His hands were in truth full of much weightier affairs. War threatened with both England and Spain; a dangerous schism was impending in the Republican party; while the Quids under John Randolph were in hot pursuit of the hero of the Sabine

whom they recognized betimes in the attire of the President. It was not difficult, therefore, to bury the chagrin of defeat under such momentous matters; and Jefferson like the mass of the people of the country forgot the prostrate conspiracy while arming to avenge such outrages as the *Leopard* inflicted on the *Chesapeake*, and as the Spaniards perpetrated on our commerce and on our frontiers. Paradoxical as it must have seemed to those who believed in the treason of Burr's enterprise, the most violent denunciators of the insolent nations, the first to arm and demand retaliation were the adherents of that most unfortunate man, Aaron Burr, whose career was yet to prove that his heart was in the cause of the liberation of the Spanish colonies.

CHAPTER XIII.

The Last Years.



THE history of the Conspiracy would be incomplete without some further notice of Aaron Burr, without a later glimpse of the West. To have escaped the toils of the court in no wise cleared him of guilt in the eyes of the people who had heeded but one charge—treason. The disastrous outcome of his plans, however, failed to dampen his ardor, and before the weary trial was over Burr had in view measures for their rehabilitation. He would set off for England as soon as liberated from court “to collect money for reorganizing his projects.”¹

“I visited Burr this morning,” wrote Blennerhassett, September 13th, in his prison at Richmond; “he is as gay as usual, and as busy in speculations on reorganizing his projects for action as if he had never suffered the least interruption. He observed to Major Smith and me, that in six months our schemes could be all remounted.”²

When Burr sailed incognito for England two things were uppermost in his mind—relief from persecution and aid for his designs. Unfortunately, upon his landing in Great Britain, the war with Spain had resolved itself into friendship, and all idea of freeing the Spanish colonies was swallowed up in the enthusiasm with which the English nation applauded the uprising of Spain against Napoleon. Burr fell at once under the

¹*Blennerhassett Papers*, p. 414.

²*Blennerhassett Papers*, p. 452.

suspicion of the Government, and tried in vain to get propositions before the Ministry. His hopes were finally dissipated by the receipt of a letter from Anthony Merry, who had again come upon the scene of his intrigues. November 6, 1808, was the date of the note:¹—

“Although I could not see Mr. Canning yesterday, from his being gone into the country, to stay till Tuesday morning, for the recovery of his health, I conversed with another person of nearly equal authority, who told me he was sure that what you proposed to me yesterday could never be consented to, pointing it out in every way to be impracticable.”

What Burr's propositions were we shall most likely never know. Davis, the biographer, says that Burr thought “the political situation of Europe offered opportunities for accomplishing the object he had long contemplated, of emancipating the Spanish-American colonies from the degrading tyranny of Spain.”²

Being expelled from England, Burr crossed to the Continent in the hope that he might fall in with some of Napoleon's plans for the disposition of the Spanish colonial possessions. In a memorial to Bonaparte he set forth the views which had brought him to France:³—

“While in Germany last winter I saw in the *Moniteur* an expression of your Majesty's assent to the independence of the Spanish-American colonies. Believing that I could be useful in the execution of that object, I hastened to Frankfort, and there addressed myself to your Majesty's minister, Monsieur Hedouville, who, at my re-

¹*Memoirs of Burr*, ii., 413.

²*Memoirs of Burr*, ii., 412.

³*Memoirs of Burr*, ii., 419.

quest, wrote to the Minister of Exterior Relations, stating my views, and asking a passport if those views should be deemed worthy of your Majesty's attention. A passport was transmitted to me. On the day of my arrival in Paris I announced myself to the Duc de Cadore, and on the day following had an audience, in which I explained, as fully as the time would admit, the nature of my projects and the means of execution."

However, before Burr had reached the soil of France he was looked upon with suspicion. This was occasioned in part by the action of Jonathan Russell, chargé d'affaires of the United States at Paris, and McRae, the consul. Even had this not been the case he must have failed; Napoleon's inclination or desire could not have been carried out had he so chosen; the political status put an expedition to the Spanish Americas out of the question. After repeated insults Burr saw the futility of hoping to gain the ear of the arbiter of Europe, and at last disheartened he planned for his return; but even a passport was denied him. Suffering great privations, he plead in vain for the intercession of our representatives, Russell and McRae, who scorned him as a criminal.

At the end of four years, having endured humiliations and persecutions enough to have broken the spirit of any man, Aaron Burr returned to the United States. He had accomplished nothing, but already for two years the war he had hoped to lead had been raging in the Spanish colonies.

If we return now to the West, we shall discover that the passing of Aaron Burr had not materially affected the condition of affairs. Patriotism and honesty were

no longer disputed characteristics of the frontiersmen; nor was their malignant hatred of Spain doubted. Moreover, the same adventurous spirit that Burr had enlisted survived and was to manifest itself for succeeding decades in filibustering enterprises, moving ever westward—tidal waves of society beating down the barriers of an opposing civilization. By the summer of 1808 the Neutral Ground was filled with adventurers, who crossed the Sabine, bartered with the natives, caught wild horses, and gave Nemecio de Salcedo no end of trouble. They were recognized as Burr's legitimate successors. June 22, 1808, Louis de Clovet, consul for Spain in New Orleans, wrote Salcedo, "From what I can hear and penetrate it seems that the project of Burr is coming to life."¹ And Manuel de Salcedo, Governor of Texas, after a visit to Natchez, reported:

"The partisans of Colonel Burr insist on their designs against the Internal Provinces of Mexico. . . . They are to float down the Ohio and Mississippi in flatboats—some will ascend the Arkansas and move on New Mexico; others will cross Texas. . . . Some of them are actually on the Washita lands, while there are many in Natchez who entertain suspicious projects."²

A few days later Captain-General Salcedo confessed to the Viceroy that he feared for his provinces because of the restless, grasping, envious disposition of the Anglo-Americans.³ At the same time, too, it is curious

¹Clovet to Salcedo, June 22, 1808; MSS. Mexican Archives.

²Manuel de Salcedo to Nemecio de Salcedo, September 12, 1808; MSS. Mexican Archives.

³Salcedo to Iturrigaray, September 28, 1808; MSS. Mexican Archives.

to note that General Wilkinson was jubilant over the prospect of the rebellion of the Spanish colonies. October 1, 1808, he sent to Jefferson the following:¹—

“The scenes which are now passing before us in rapid succession inspire the liveliest hopes that the emancipation of Mexico and South America is not distant; and they excite in my breast the strongest solicitude to participate in the glorious achievement in which the United States and all Spanish-America appear to be mutually and profoundly interested.”

It is a matter of no little moment to find that revolutions broke out in West Florida, Mexico, Granada, and Caracas during the month of September, 1810. The Governor of Texas wrote to the Viceroy² that they had the same origin and the same end; and with regard to the rebellion in Baton Rouge, he remarked that it had its extension throughout Louisiana, and that it was not a combination of a day, but that it had been urged since the beginning of the Conspiracy of Aaron Burr.³

It would be fruitless to continue the narrative to show how full the “stream of tendency” ran during the next half century. It is quite sufficient that we should realize that the elements of revolution in the West were imbedded in the Western character, and were impregnated with a vitality generations could not exhaust.

Burr’s determination to have a hand in the settlement of affairs in Spanish America was long in being

¹Wilkinson to Jefferson, October 1, 1808; Jefferson MSS.

²Operaciones de Guerra; MSS. Mexican Archives.

³Manuel de Salcedo to Viceroy Venegas, November 21, 1810; MSS. Mexican Archives.

resigned. Neither the venomous persecutions he had experienced in his own country, nor the desperate buffeting to which he was subjected in Europe had moderated his enthusiasm. At the moment of departing from England he wrote Jeremy Bentham—who had proved so dear a friend to him and who had endeavored to reconcile him to Miranda—concerning the South American patriot:¹ —

“There is a possibility, perhaps something more, that I may mingle, personally, in the affairs of Spanish America. In such a case, a good understanding would be of sound policy, perhaps of mutual necessity. It is also probable that I may be capable of rendering him [Miranda] or his countrymen service in the United States, whither I am now about to return, and certainly I should do it with pleasure and with zeal.”

Almost the first news he had upon landing in New York was that his only grandchild, Aaron Burr Alston, was dead. This blighting intelligence was soon afterward eclipsed by the loss of Theodosia who, sailing from Charleston to meet her father in New York, was never heard from again. Burr's life was thenceforward a hopeless blank. The only subject which aroused his enthusiasm was the emancipation of the Spanish colonies. He encouraged those who were struggling for the consummation of such hopes, and in the end became known to the leaders of the revolt. In 1816 José Alvarez de Toledo, one of the distinguished soldiers of Mexico, wrote: “Although I have not the honor of knowing you personally, the reputation of your talents and good wishes for the cause of America have made

¹*Private Journal of Aaron Burr*, ii., 255.

your name familiar among us.”¹ Then Burr was invited to assume the “management” of the “political and military affairs” of Mexico. But already the weight of years and the burden of sorrow which bore upon him were bowing him to the earth—the invitation could only be declined. Some years later when the Texans began their struggle for independence Burr manifested an intense interest in the result. One day, upon reading some account from that quarter, he exclaimed, “There! you see? I was right! I was only thirty years too soon. What was treason in me thirty years ago, is patriotism now!”²

In the early part of June, 1836, it was thought Burr was dying, and the question was asked him, “Whether in the expedition to the Southwest he had designed a separation of the Union.” The reply was, “No; I would as soon have thought of taking possession of the moon, and informing my friends that I intended to divide it among them.”³

September 14, 1836, Aaron Burr ceased to live, and a few days later all that was mortal of him was consigned to a grave near his father’s resting place in the beautiful cemetery at Princeton—his life and career were merged in the stream of history.

¹*Memoirs of Burr*, ii., 442.

²Parton’s *Burr*, ii., 319.

³Parton’s *Burr*, ii., 327.

Index



- 'ADAIR, JOHN: relations with Wilkinson, 127-129; indictment against, 187-188; arrested by Wilkinson, 223; released at Baltimore, 299; brings suit against Wilkinson for false imprisonment, 300; Wilkinson's opinion of, 308.
- ALSTON, JOSEPH: in the West with Burr, 83; at Richmond, 319.
- ALSTON, THEODOSIA BURR: accompanies Burr in second Western journey, 76; present at Richmond trial, 319.
- BENTHAM, JEREMY: connection with Burr and Miranda, 368.
- BLANNERHASSETT, HARMAN: who he was, 25; relates Burr's plans to Graham, 242-243; examined before Toulmin, 282; indicted at Richmond, 332.
- BLANNERHASSETT'S ISLAND: its situation, 25; Burr's second arrival at, 79; becomes a rendezvous, 79; threatened by militia, 87; abandoned by the conspirators, 247; raided by militia, 247-248.
- BASTROP LANDS: purchased by Burr, 83.
- BOLLMAN, ERICK: arrested by Wilkinson, 215-216; released at Washington, 298; confidence violated by Jefferson, 339.
- BOTTS, BENJAMIN: defends Burr at Richmond trial, 320; interpretation of treason, 323.
- BRADFORD, EDITOR: arrested by Wilkinson, 222; view of the Spanish situation, 125-126.
- BROOM, CONGRESSMAN: introduces in the House resolution concerning the habeas corpus, 296.
- BRUIN, JUDGE: presides over Burr's Mississippi trial, 271.
- BURLING, WALTER: relations with Wilkinson, 62-63; goes to Mexico, 164-169.
- BURR, AARON: ancestry and early life, 16; entry into politics, 17; duel with Hamilton, 18; contest with Jefferson for Presidency, 18; intrigues with Merry, 20-23, 42-48, 69-70; first entry into the West, 24; at Blennerhassett's Island, 25; entertained by Andrew Jackson, 26; confers with Wilkinson at Fort Massac, 26; at New Orleans, 28-31; public reception at Nashville, 33; confers with Wilkinson at St. Louis, 34; plans of, 41; discusses enterprise with Blennerhassett, 49; intrigue with Yrujo, 54; intrigue with Yrujo, 54-60, 65-69; letter to Wilkinson concerning conspiracy, 61; dealings with Truxton and Eaton, 62; collects funds from individuals, 71; important letter to Wilkinson, 74; second entry into the West, 76; conversation with the Morgans, 76-78; second arrival at Blennerhassett Island, 78; purchases Bastrop lands, 83; enlists recruits, 84; his three maps, 85; letter to

- Gov. Harrison concerning Spanish war, 87; trials in Kentucky, 178-179; 188-192; letter regarding his project, to Smith, 183; to Gov. Harrison, 184; to Henry Clay, 185; second trial at Frankfort, 188-192; revisits Andrew Jackson, 252; with the Ohio flotilla, 256-257; enters the Mississippi, 261-262; reception in Mississippi territory, 262-263; his knowledge of Wilkinson's movements, 266; surrenders to Meade, 268; interview with Graham concerning conspiracy, 270; consultations with Colonel Osmun and Major Guion, 271; before grand jury at Washington, Miss., 272-273; no indictment found against, 274; goes into hiding, 275; replies to William's proclamation, 276; visits his flotilla, 277; takes flight, 277; captured near Fort Stoddert, 279; feeling in regard to, 279-280; conducted to Richmond, 310; examined before Marshall, 310-311; final trial at Richmond, 320-357; visits England, 363-364; in France, 364-365; writes to Bentham concerning Miranda, 368; interest in emancipation of Spanish colonies, 368; interest in Texas struggle, 369; statement concerning conspiracy, 369; death, 369.
- CASA CALVO: expelled from New Orleans, 109.
- CEVALLOS: hears through Yrujo of Burr's plot, 55, 57-60; refuses to contribute funds to Burr, 68; anticipates war with the United States, 105.
- CLAIBORNE, W. C. C.: protests against Spanish advance, 118; suspects Wilkinson, 118; plans with Wilkinson for war, 123-124; warns Meade of conspiracy, 204; refuses to proclaim martial law, 207-208; addresses New Orleans Chamber of Commerce on subject of conspiracy, 208; issues proclamation against conspiracy, 216, 250; passivity in regard to military arrests, 220-221; recommends suspension of habeas corpus to Legislature, 233; urges Meade to arrest Burr, 264; attitude towards Wilkinson, 307-308; opinion of Watkins, 308; opinion of Adair, 308.
- CLARK, DANIEL: attitude towards Burr, 31-32; writes to Wilkinson of Burr's conspiracy, 32; loyalty of, 228-229.
- CLAY, HENRY: defends Burr, 185; attitude towards Burr, 185-186, 193.
- CONGRESS OF UNITED STATES: measures for suppressing conspiracy, 295-296.
- CONSPIRACY: Clark's view of, 32; rumors as to nature of, 36-38; Burr's communications concerning the, 49, 61, 63, 75, 183-185, 270, 369; rumors as to nature of, 80; Grand Pré's view of, 96; Folch's view of, 97-98, 263-264; James Taylor's view of, 99, 344; Daviess's view of, 99-100; Jefferson's view of, 100-104; Duane's view of, 194; Rodney's view of, 194; Jefferson's view of, 194-195, 285, 286, 288, 290, 294, 316, 317; Claiborne's view of, 201-202, 203-204, 233; Jackson's view of, 203; Meade's view of, 204; Jackson's view of, 260-261; Burr's communications to Meade concerning the, 262; Randolph's view of the, 292; Erskine's view of, 292-293;

- Wilkinson's view of, 303-304; Eaton's testimony as to the nature of, 341; Truxton's testimony as to the nature of, 343; the Morgans' testimony as to the nature of, 344; Woodbridge's testimony as to the nature of, 345; Allbright's testimony as to the nature of, 345; Marshall's opinion concerning the, 358-360.
- CORDERO, ANTONIO: hears of Burr's enterprise, 63; refuses to withdraw troops from disputed tract, 134.
- CREOLES: their attitude towards the Union, 112. See also under LOUISIANIANS.
- DAVIESS, JOSEPH HAMILTON: prosecution of Burr, 176-178; renews prosecution of Burr, 185.
- DAYTON, JONATHAN: his story to Yrujo of plot, 55-57, 67-68; alarms Wilkinson, 73; indicted at Richmond, 332.
- DEARBORN, HENRY: receives instructions from Jefferson, 120; offends Jackson, 258.
- DE PESTRE, COL.: goes with Burr into the West, 76; returns to blind Yrujo, 93-96; his attempted bribery, 338.
- DUNBAUGH, JACOB: character of, 257-258.
- EATON, WILLIAM: dealings with Burr and the President, 62; testimony as to conspiracy, 341-342; his claim paid by Congress, 342.
- FEDERALISTS: suspected by Jefferson of connection with conspiracy, 314-315.
- FLORIDA: bill for purchase of, 51.
- FLOYD, DAVIS: examination before Toulmin, 282; Harrison's opinion of, 282.
- FOLCH, VINCENTE: stops passage of United States mail through West Florida, 110; reënforces Grand Pré, 263.
- GAINES, LIEUTENANT: captures Burr near Fort Stoddert, 279.
- GALLATIN, ALBERT: recommends compensation for seizures, 300-301.
- GENET, EDMOND CHARLES: projects of, 5.
- GRAHAM, JOHN: investigates conspiracy, 242-249; hears of Burr's plans from Blennerhassett, 242-243; interviews Burr at Natchez, 269-270; view of conspiracy, 280.
- GRAND PRÉ: prepares to resist Burr's expedition, 263.
- GRIFFIN, CYRUS: presides at trial at Richmond, 320.
- GUION, MAJOR ISAAC: Burr's consultations with, 271.
- GUTIERREZ-MAGEE EXPEDITION: its nature, 86-87.
- HAY, GEORGE: at Burr's examination before Marshall, 310; represents prosecution at Richmond trial, 321; interpretation of treason, 347; threatens impeachment of Marshall, 348-349; loses faith in Wilkinson, 354.
- HERRERA, SIMON DE: crosses the Sabine, 116; retreats to the west bank of the Sabine, 134; accepts Wilkinson's propositions establishing a neutral ground, 150; receives letters regarding the conspiracy, 159-160.
- INNES, HARRY: presides over trials of Burr, 178-186.
- IRVING, WASHINGTON: description of Wilkinson at trial, 330.
- ITURRIGARAY, JOSÉ DE: views with alarm the situation on the Sabine, 109; warned of Burr's conspiracy, 168-169.
- JACKSON, ANDREW: entertains Burr, 26; issues proclamation for Spanish war, 81; offers

- services to President, 82; connection with conspiracy, 252-255; Jefferson declares confidence in, 258; offended by Dearborn, 258; mobilizes militia, 259; disbands militia, 260.
- JEFFERSON, THOMAS: attitude towards Spain, 51, 82, 154-155; takes action in regard to Burr's conspiracy, 195-196; issues proclamation, 197-198; approves Wilkinson's measures at New Orleans, 223-225; declares faith in Jackson, 258; refers to Burr's project in annual message to Congress, 285; reports to Congress concerning conspiracy, 293, 294, 295, 300; delivers military prisoners to civil authorities, 298; attitude towards Burr, 309; resents Marshall's decision, 312-313; efforts to secure Burr's conviction, 314; suspects Federalists of sympathy with Burr, 314-316; withholds papers from Burr's trial, 324, 326-328; espouses Wilkinson's cause, 331-332; angered at Burr's acquittal, 352-353, 357.
- KENTUCKY, LEGISLATURE OF: passes act for suppression of conspiracy, 250; declaration of loyalty, 250.
- KERR, LOUIS: trial and acquittal at Natchez, Miss., 283.
- LEE, CHARLES: defends Burr at Richmond trial, 320.
- LEWIS and CLARK: celebration in their honor, 113.
- LOUISIANA: Purchase of, 10; legislature of, pledges loyalty to Government (234), declares loyalty of Louisianians (234), discusses Wilkinson's measures (235), and condemns suspension of habeas corpus, 235-236.
- LOUSIANIANS: loyalty of, 127, 225; Wilkinson's opinion of, 225-226; attitude towards conspiracy, 237-238; Claiborne's opinion of their loyalty, 238-239; Jefferson's estimate, 286.
- McRAE, ALEXANDER: represents prosecution at Richmond trial, 321.
- MAPS: Burr's, 85.
- MARSHALL, JOHN: presides at Burr's examination at Richmond, 310; his opinion, 310; presides over trial at Richmond, 320; his reply to Hay's threats, 349; his great opinion on the treason case, 350.
- MARTIN, LUTHER: defends Burr at Richmond trial, 320; his great speech on the nature of treason, 347.
- MEADE, COWLES: warned by Claiborne of conspiracy, 204; warns Claiborne against Wilkinson, 226; issues proclamation against conspiracy, 251; prepares for seizure of Burr, 265-266; his description of Burr's expedition, 268-269.
- MERRY, ANTHONY: intrigue with Burr, 20-23; 42-48; 69-70; on Burr's enterprise, 38.
- MEXICAN ASSOCIATION: organization and purpose, 29-30, 113.
- MIRANDA: his expedition, 114-179; sympathy of Westerners for, 114-115; Jefferson's attitude towards, 317; connection with Burr and Bentham, 368.
- MISSISSIPPIANS: loyalty of, 251; Jefferson's estimate of, 286.
- MORALES, JUAN VENTURA: fears revolution, 64; expelled from New Orleans, 109.
- MORGAN, GEORGE: Burr's talk with, 76-78.
- MORGANS: their testimony at trial, 344.

- MUSKINGUM FLOTILLA: its seizure, 244-246.
- NAPOLEON: plans of, 14.
- NEUTRAL GROUND TREATY: its terms, 150-152; reception of by Spanish Government, 156; effects of, 156-157.
- NEW ORLEANS: right of deposit, 8; Burr's visit to, 28-31; Chamber of Commerce addressed by Claiborne and Wilkinson on subject of conspiracy, 208-210; Chamber of Commerce takes measures of defence, 210; stringent ordinance of City Council, 230-231.
- OGDEN, PETER V.: bears Dayton's letter to Wilkinson, 73; arrested by Wilkinson, 215-216; discharged on writ of habeas corpus, 216; re-arrested by Wilkinson, 218-219; released at Baltimore, 299.
- OHIO LEGISLATURE: addressed by Governor Edward Tiffin on subject of conspiracy, 244-245; passes act for suppression of conspiracy, 245.
- OHIO FLOTILLA: escape of, 247.
- OSMUN, BENIJAH: surety for Burr, 268; Burr's consultations with, 271.
- PERKINS, NICHOLAS: informs of Burr's flight, 278-279; takes Burr to Richmond, 310.
- PESTRE, DE COL: accompanies Burr, 76; serves in Burr's intrigue with Yrujo, 90, 93, 94-95.
- POINDEXTER, GEORGE: arranges for interview of Burr with Meade, 267; moves that grand jury at Washington, Miss., be discharged, 272.
- PROCLAMATION: President Jefferson's, regarding conspiracy, 197-198; Erskine's opinion of, 198-199; *Lexington Gazette's* view of, 199.
- RANDOLPH, EDMUND: defends Burr at Richmond trial, 320.
- RANDOLPH, JOHN: questions President concerning conspiracy, 291-292; attacks denial of habeas corpus, 296-297; foreman of jury at Richmond trial, 322; description of Wilkinson's appearance at trial, 332; opinion of Wilkinson, 333; attacks Wilkinson in Congress, 334-335.
- RODNEY, JUDGE: refuses to release Burr, 274.
- SABINE: Spanish troops cross the, 116.
- SALCEDO, NEMECIO: jealousy of Americans, 13; hears of Burr's enterprise, 63; complains of encroachments of United States, 108.
- SHIELDS, W. B.: arranges for interview of Burr with Meade, 267.
- SPAIN: threat of war with United States, 50-53; prepares for war, 106; Jefferson's attitude towards, 316.
- SPANISH ASSOCIATION: its original purpose, 4; confounded with Burr's enterprise, 181, 190, 292-293.
- SPANISH COLONIES: attitude towards their Government, 90; corruption in administration of, 131-132; Wilkinson's desire to revolutionize, 305-306; connection with conspiracy, 306; interest of Burr in their emancipation, 368; revolt of, 367.
- SMITH, ROBERT: naval preparations against conspiracy, 287.
- SWARTWOUT, SAMUEL: bears Burr's letter to Wilkinson, 73; arrested by Wilkinson, 215-216; released at Washington, 298.
- TAYLOR, PETER: story concern-

- ing conspiracy, 89; testimony at trial, 344.
- TENNESSEANS: loyalty of, 251-252.
- TIFFIN, EDWARD: addresses Ohio Legislature on subject of conspiracy, 244-245; gives orders for suppression of conspiracy, 245.
- TOLEDO, JOSÉ ALVAREZ DE: letter to Burr, 368-369.
- TOULMIN, HARRY: examines Burr's associates, 282.
- TREASON: Bott's view of its nature, 323; Hay's, 347; Marshall's dictum concerning, 350-351.
- TRIAL AT RICHMOND: Burr admitted to bail, 310-311; persons present at, 318-319; the judges and attorneys, 320-321; the jurors, 322; character of evidence, 322-323; demand of papers from Jefferson, 324-328; Wilkinson's arrival, 329; Burr indicted for misdemeanor and treason, 332; Burr's associates indicted, 333; contention concerning treason, 347-348; Burr acquitted of treason, 350; misdemeanor case, 356; question as to testimony, 357; jury returns verdict of not guilty, 357; testimony of the prosecution, 359; Marshall's opinion, 359-360.
- TRUXTON, COMMODORE: approached by Burr, 62; testimony as to nature of the conspiracy, 343.
- TURNER, CAPTAIN: expels Spaniards, 107.
- TURREAU: ignored by Burr, 66; opinion of Burr's enterprise, 66-67.
- TYLER, COMFORT: arrives at Blennerhassett's Island, 246; examined before Toulmin, 282.
- VIANA, FRANCISCO: fears American invasion, 64.
- WATKINS, JOHN: member of Mexican Association, 29-30; denounces Wilkinson's measures, 236-237; Claiborne's opinions concerning, 308.
- WESTERNERS: attitude toward Spain, 15, 41, 365-366; toasts of, 111; sympathy for Miranda, 114-115; attitude toward Burr, 193; Graham's estimate concerning loyalty of, 242; Wilkinson's view of, 303.
- WICKHAM, JOHN: defends Burr at Richmond trial, 320.
- WILKINSON, GEN. JAMES: appointed governor, 24; conference with Burr at Fort Massac, 26; confers with Burr at St. Louis, 34; ordered to repel Spanish invasion, 121; his delay, 121-122; arrival on the scene of action, 122-125; foresees outbreak of war with Spain, 129; letter to Smith on prospects of war, 130-131; seeks to conciliate Spanish leaders, 137-138; receives Burr's letter, 138; mentions Burr's conspiracy to Cushing, 139; and to Burling, 140; delays marching to the Sabine, 140; announces to the President Burr's conspiracy, 140-141; discusses the conspiracy, 141-144; seeks to enlist Jefferson, 144-146; marches to the Sabine, 150; concludes Neutral Ground Treaty, 149-152; writes to Cushing of the conspiracy, 157; warns Col. Freeman, 158; warns Claiborne of the conspiracy, 161; writes to the President concerning the conspiracy, 162-164; sends Burling to Mexico, 164-169; urges Claiborne to proclaim

martial law, 204-207; addresses New Orleans Chamber of Commerce on subject of conspiracy, 208-210; reasons for silence regarding conspiracy, 211; writes to Clark concerning measures of defence, 212; urges Claiborne to proclaim martial law, 213; demands impressment of sailors, 214; arrests Bollman, Ogden, and Swartwout, 215-216; military arrests at New Orleans, 214-219, 221, 223; orders concerning incoming vessels, 227-228; issues order at Coffee House, 229-230; proposes to ascend the Mississippi, 232-233; methods of securing evidence, 239-240; urges Meade to arrest Burr, 264; efforts to capture Burr, 274-275; defends his position to President, 302; desires to revolutionize Spanish Colonies, 305; attitude of Louisianians towards, 306; endeavors to secure evidence against Burr, 313-314; arrival in Richmond, 328; faces Burr at the trial,

330; accused of contempt of court, 332; accused of treason before grand jury, 335; angered at Burr's acquittal, 352-357; Hay's distrust of, 354.

WILLIAMS, ROBERT: issues proclamation on Burr's flight, 275.

WIRT, WILLIAM: represents prosecution at Richmond trial, 321.

WORKMAN, JAMES: his views, 217; issues writ of habeas corpus for Ogden and Swartwout, 216; discharges Ogden, 216; issues writ of habeas corpus for Alexander, 219; appeals to Claiborne against Wilkinson, 219-220; arrested by Wilkinson, 222; trial and acquittal at Natchez, Miss., 283.

YRUJO, CASA, MARQUIS OF: on Burr's intrigue with Merry, 39; intrigue with Burr, 54-60, 65-69; misapprehension of Burr's conspiracy, 91-93; undeceived as to the conspiracy, 94-96.





